

## Tables of Exhibits\*

that provide the evidence gathered in 12 cases over 5 years showing that a federal judgeship has become a safe haven for wrongdoing and justifying an investigation to determine how high and to what extent wrongdoing has reached; and that warrant the call for forming a virtual firm of lawyers and investigative journalists centered on Judicial Discipline Reform.org to help prepare pro bono a class action based on the representative case charging that Chief Judge John M. Walker, Jr., of the Court of Appeals for the Second Circuit (CA2) and CA2 Judge Dennis Jacobs have engaged in a series of acts of disregard of evidence and of systematic dismissal of judicial misconduct complaints forming a pattern of non-coincidental, intentional, and coordinated wrongdoing that supports a bankruptcy fraud scheme and protects the schemers

by  
**Dr. Richard Cordero, Esq.**

### I. Cases providing evidence for the investigation & the representative case

	Case name	Filing date	Closing date or status	Docket no.	Court	File:pg.# * of brief docket	
1.	<i>In re Premier Van Lines</i> (Ch. 7 bkr.)	3/5/1	10/24/3	01-20692	WBNY	cf. A:72§1	A:565
2.	<i>Pfuntner v. Trustee Gordon et al.</i> (AdvP)	9/27/2	pending	02-2230	WBNY	A:70	A:1551
3.	<i>Cordero v. Trustee Gordon</i>	1/15/3	3/27/3	03cv6021L	WDNY	A:158	A:458
4.	<i>Cordero v. Palmer</i>	2/4/3	3/27/3	03mbk6001L	WDNY	A:314	A:462, but see ToEA:156>A:462b
5.	<i>In re Premier Van et al.</i>	5/2/3	1/26/5dism'd	03-5023	CA2	C:169	C:422
6.	<i>In re Richard Cordero</i> (mandamus)	9/12/3	denied 10/8/3	03-3088	CA2	A:615	A:665g
7.	<i>Misconduct complaint v. Bkr. J. Ninfo, WBNY</i>	9/2/3	6/8/4 dism'd	03-8547	CA2	C:1, 63; E:1	ToEC§§A,D
8.	<i>Misconduct complaint v. Chief J. Walker, CA2</i>	3/30/4	9/24/4dism'd	04-8510	CA2	C:271	ToEC:§§B,F
9.	<i>Cordero v. Trustee Gordon et al.</i>	1/27/5	cert. denied	04-8371	SCt	A:1601	A:2229
10.	<i>In re David &amp; Mary Ann DeLano</i> (Ch. 13 bkr.)	1/27/4	on appeal	04-20280	WBNY	cf.C:1295§§A-B	D:496
11.	<i>Cordero v. DeLano</i>	4/22/5	on appeal	05cv6190L	WDNY	Pst:1231	Pst:1181
12.	<i>Dr. Richard Cordero v. David &amp; Mary DeLano</i>	10/16/6	pending	06-4780	CA2	CA2:1700	CA2_dkt

\*This is page 1 of the Tables both of entries describing the exhibits supporting the Statement of Facts & of comments thereon.

## II. Summary of Contents

### ToEC:# pages

Call for formation of class action and virtual firm of lawyers and  
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### ToEA:# pages

*Pfuntner v. Tr. Gordon et al., WBNY> Cordero v. Gordon & Palmer, WDNY>  
 >Premier Van et al., CA2>Cordero v. Trustee Gordon et al., SCt..... ToEA:121*

### ToED:>ToEAdd:>ToEPst:# pages

*In re David & Mary Ann DeLano, WBNY>Cordero v. DeLano, WDNY..... ToED:201  
 ToEAdd:221  
 ToEPst:251*

## III. Contents of ToEC:# pages

IV. The C:# pages are related to the A, D, Add, and Pst files because the same pattern of judicial wrongdoing runs through the cases that each covers, which justifies JDR's call for a class action and a virtual firm of lawyers and investigative journalists to help pro bono to prepare it ..... ToEC:5

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\* The letters identify sets of PDF files containing exhibits of the cases cited above; and the numbers indicate the first page of the respective exhibits. The letters mean the following:

**A**= Appendix of exhibits of cases 1-9; **C**=this call; **Tr**=transcript of 3/1/5 hearing  
**D**=Designated items in the record of cases 10-11; **Add**=Addendum to D; and **Pst**=PostAddendum.

The PDF files can be opened with Acrobat Reader v. 7, which can be downloaded from [Adobe.com](http://Adobe.com). They are found in the Attachments pane of this file ([Statement facts & Table Exh](#)). Clicking on the Bookmarks tab of a file will open a pane that may contain the file's table of content. Some files, such as [Text of Authorities Cited](#), may also be contained in suitably identified folders in this website.

The text of a referenced exhibit can be found by opening the PDF file within whose number range the reference's page number falls. Such text can also be accessed through the block of hyperlinks to exhibits by pressing Ctrl and double clicking on the corresponding lettered hyperlink whose number is the same as that of the reference or is the next lower; e.g. if the reference is to C:275 click on [C:271](#).

JDR's call: [C:1/E:1](#); [C:271](#); [C:441](#); [C:551](#); [C:711](#); [C:821](#); [C:981](#); [C:1081](#); [C:1285](#); [C:1331](#)

*Pfuntner>WBNY>WDNY>CA2>SCt: [A:1](#); [A:261](#); [A:353](#); [A:734](#); [A:1061](#); [A:1301](#); [A:1601](#); [A:1675](#); [A:1765](#); [E:1](#)  
*DeLano: [D:1](#); [D:103](#); [D:203](#); [D:301](#); [D:425](#); [Add:509](#); [Add:711](#); [Add:911](#); [Pst:1171](#); **Tr**=transcript of 3/1/5 hearing**

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    1. From *Pfuntner* before Judge Ninfo on appeal to CA2.....ToEC:12

B. Judicial misconduct complaint against Chief Judge John M. Walker, Jr., CA2 .....ToEC:13

C. Misconduct by clerks leads to call for an investigation by motion to CA2 and by request to its Clerk of Court.....ToEC:19

D. Appeal to the Judicial Council, 2<sup>nd</sup> Cir., from the dismissal of the misconduct complaint against Judge Ninfo, WBNY .....ToEC:23

E. Request to the Administrative Office of the U.S. Courts for an investigation of misconduct by clerks.....ToEC:28

F. Appeal to the Judicial Council from the dismissal of the misconduct complaint against C.J. Walker.....ToEC:29

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J. Request to the Judicial Council, 2<sup>nd</sup> Cir., for the abrogation of district local rules inconsistent with FRCivP and protective of a bankruptcy fraud scheme.....ToEC:55

K. Referral to the U.S. Attorney’s Offices and the FBI’s Bureaus in New York City, Buffalo, and Rochester, NY, for an investigation of a judicial misconduct and bankruptcy fraud scheme .....ToEC:57

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VI. Table of Authorities Cited (AuC:#) whose text is in downloadable PDF files.....ToEC:71

VII. Tables pointing to the roles played by persons and entities involved in the 11 underlying cases.....ToEC:76

A. Contact information with references to exhibits for background to investigatees.....ToEC:76

1. Contact information organized alphabetically .....ToEC:76

2. Official Directory of the Bankruptcy Court in Rochester and Buffalo, NY .....ToEC:89

3. Contact information with detailed index to exhibits, organized by categories listed in the order in which the *Follow the money!* investigation may proceed .....ToEC:271

B. Searches on PACER for two trustees and one bankruptcy attorney and its return of docket information about, and hyperlinks to, their more than 7,800 cases before Judge Ninfo .....ToEC:91

C. List of tables interspersed among the exhibits of all Tables of Exhibits .....ToEC:101

D. List of reproduced tables.....ToEC:105

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IV. The C:# pages are related to the A, D, Add, and Pst files because the same pattern of judicial wrongdoing runs through the cases that each covers, which justifies JDR's call for a class action and a virtual firm of lawyers and investigative journalists to help pro bono to prepare it

1. The separate volume of exhibits that accompanied the misconduct complaint against Judge John C. Ninfo, II, WBNY, (C:1, 63) had its pages numbered A-#. The "A" stood for the Appendix to the opening brief of Appellant Dr. Richard Cordero in *In re Premier Van et al.*, no. 03-5023, CA2 (C:172). That Appendix had been titled, and consisted of the, "Items in the Record" (cf. FRBkrP 8006) of the cases appealed from, to wit, *Pfuntner v. Trustee Gordon et al.*, no. 02-2230, WBNY, and its appeals to the District Court, i.e. *Cordero v. Trustee Gordon*, no. 03cv6021L, and *Cordero v. Palmer*, no. 03-6001L, WBNY.
2. That brief in *Premier* (C:172 & A:1301) and its Appendix (A-1-430) were filed in CA2 bearing the date of July 9, 2003. By the following August 11 when Dr. Cordero filed his judicial misconduct complaint under 28 U.S.C. §351 against Judge Ninfo (C:1, 63), other documents, such as letters, motions, and dockets, had been filed in both *Pfuntner* (e.g. A:490, 497, 462) and *Premier* (e.g. A:468, 469, 507). He had numbered their pages consecutively from the last number in the Appendix and added them to it chronologically upon their being filed while on its Table of Items he entered their titles thematically under appropriate headings.
3. Those documents showed continued wrongdoing by Judge Ninfo and other court officers as well as what appeared to be coordination with CA2 clerks not to docket Dr. Cordero's appeal properly so as to cause its dismissal. Hence, just as the July 9 Appendix, the volume of exhibits (A-1-507) accompanying the complaint was titled "Items in the Record" (cf. C:61) and its pages bore the numbering format A-#. All those documents are in the PDF files A:1-260, A:261-352; & A:353-733.
4. The documents created after the August 11 complaint against Judge Ninfo were similarly added to the Appendix. By the time when Dr. Cordero filed his judicial misconduct complaint of March 19, 2004, against CA2 Chief Judge John M. Walker, Jr., (C:271) additional motions and orders had been produced in *Pfuntner* and *Premier*. They too showed or discussed evidence that CA2 judges supported, whether by indifference or intent, judicial wrongdoing, for even judges are subject to the principle that 'a person is deemed to intend the natural consequences of his or her acts'. Consequently, some of those documents were filed with the complaint against the Chief Judge in a volume titled Evidentiary Documents, subsequently renamed Exhibits (ToEC:315, 324); the format used to number its pages was A:#. The same format was used for other documents created as Dr. Cordero pursued his dismissed appeal by petitioning for panel rehearing and hearing en banc (ToEA:42§5), and subsequently his petition to the Supreme Court for a writ of certiorari. (ToEA:51§D)

5. However, other documents that were not filed in such proceedings, were not added to the Appendix. Among them are most of those connected with the pursuit of the misconduct complaints and the appeals to entities other than CA2, such as the Judicial Council of the Second Circuit, the Judicial Conference of the U.S., the Administrative Office of the U.S. Courts; the Department of Justice and the FBI; and the Judiciary Committees of both chambers of Congress. (ToEC:§§D-K) They form the bulk of the documents listed on this Table whose pages bear the numbering format C:#.
6. Likewise, other documents were generated after David and Mary Ann DeLano filed their voluntary bankruptcy petition *In re DeLano*, no. 04-20280, WBNY, on January 27, 2004. (D:23-60) Therein they named Dr. Cordero among their creditors (D:40), because of his claim against Mr. DeLano in *Pfuntner*, in which Dr. Cordero was 3rd party plaintiff and Mr. DeLano 3rd party defendant. After that claim was disallowed by Judge Ninfo at the sham evidentiary hearing (Pst:1255§1) in Bankruptcy Court on March 1, 2005, Dr. Cordero appealed to the District Court in *Cordero v. DeLano*, no. 05cv6190L, WDNY. For that appeal, he designated supporting items in the record of *In re DeLano* (cf. FRBkrP 8006) and numbered their pages D:#. But then District Judge David Larimer and the Bankruptcy Court Reporter engaged in a common effort to deprive Dr. Cordero of the incriminating transcript of that evidentiary hearing. When they failed and the Reporter had to send the transcript to Dr. Cordero eight month later (ToEC:§I), he used it to write his appellate brief of December 21, 2005 (Pst:1231).
7. In the intervening eight months many documents had been produced and filed. Dr. Cordero collected and filed them with his brief as an Addendum to the initial volume of designated items; he identified its pages as Add:# with their page numbers continuing the last number in the first, D:# volume. Similarly, after the DeLanos filed their answer to that brief, Dr. Cordero filed his reply of February 8, 2006 (Pst:1381), which was accompanied by a Post-Addendum, with pages identified as Pst:# and their numbers continuing from the last in the Addendum.
8. All those documents share a key element, namely, they contain or discuss evidence of disregard for the law, the rules, and the facts so consistently detrimental to Dr. Cordero alone as to exclude coincidental mistakes due to mere incompetence on the part of judges and their staffs. Incompetent people would have erred roughly half of time in favor of, and the other half against, the same person. Instead, the consistent impact on the same target as well as the sheer number and increasing blatancy of the wrongful acts reveal a pattern of non-coincidental, intentional, and coordinated wrongdoing in support of a bankruptcy fraud scheme. For its part, the systematic dismissal of judicial misconduct complaints has protected the schemers.
9. That pattern of wrongdoing provides a solid basis for Judicial Discipline Reform's call for a virtual firm of lawyers and investigative journalists to help pro bono prepare a class action to expose it together with the motive or benefit for which judges have engaged in it. In so doing, the members of that firm should be guided by the underlying question: **Has a federal judgeship become a safe haven for wrongdoing and, if so, how high and to what extent has wrongdoing reached?**

V. Descriptive titles of the exhibits and comments

**A. Judicial misconduct complaint against  
Bankruptcy Judge John C. Ninfo, II, WBNY**

1. Dr. Richard Cordero’s letter of August 11, 2003, to Roseann B. MacKechnie, Clerk of Court of the Court of Appeals for the Second Circuit, setting forth a judicial misconduct **complaint** under 28 U.S.C. §372(c)(1) [Judicial Conduct and Disability Act of 1980, now at U.S.C. §351 et seq.; see it in the Text of Authorities Cited] **against** Bankruptcy Judge John C. Ninfo, II, WBNY, and other court officers at the U.S. Bankruptcy Court and the U.S. District Court for the Western District of New York.....C:1
  - Attachments:
    - a) the **Official CA2 Complaint Form** for filing complaints against judicial officers under 28 U.S.C. §372(c)(1) .....C:3
    - b) Dr. Cordero’s **Statement of Facts of August 11, 2003**, submitted [as an exhibit, hence the page numbering format E:#] in support of the complaint under §372(c)(1) against Judge **Ninfo and other** court officers set forth in his August 11 letter to Clerk MacKechnie (C:1) ..... E:1
      - i) Table of Contents ..... E:4
    - c) Judge **Ninfo’s order of July 15, 2003, requiring**, among other things, that Dr. **Cordero**, who lives in New York City, **participate** in a **series** of “discrete” “discreet” **hearings** in Rochester, NY, in *Pfuntner v. Trustee Gordon et al.*, docket no. 02-2230, WBNY ..... E:55
2. **Title page** of the separate exhibits volume titled “**Items in the Record...**” .....C:61
  - a) “Items in the Record...”
 

[**Comment:** This separate volume of exhibits consisted of pages A-1-430 of the items in the record in the District Court, WDNY, which pursuant to FRAP 6(b)(2)(B)(i) was redesignated for the appeal *In re Premier Van et al.*, docket no. 03-5023, CA2; those pages, bound separately, accompanied Dr. Cordero’s opening brief of July 9, 2003, in CA2 (C:169). The volume also included pages A-431-507 containing exhibits added between July and August 2003. As revised, those exhibits are now found mostly with the same page numbers in pages A:1-507 of the PDF files in the [A 1-2229 folder](#). (see also ToEC:5§IV above)]
3. CA2 Clerk **MacKechnie’s** letter by Deputy Clerk Patricia Chin-Allen of **August 25, 2003**, acknowledging Dr. Cordero’s judicial conduct **complaint** of August 11, 2003, but **returning** it due to **improper form**

concerning the **use of the old 28 U.S.C. §372(c) complaint form** and a statement of facts **exceeding the 5-page** limitation; and providing a copy of the **new 28 U.S.C. §351 complaint form** .....C:62

[**Comment:** A comparison shows that there is no difference between the old and the new complaint forms, except that the latter refers to §351 as the legal basis for the complaint.]

4. **Dr. Cordero’s Statement of Facts of August 27, 2003**, after the original August 11 Statement was shortened to **5 pages** and its legal basis was switched from §372(c) to **§351** of 28 U.S.C.; submitted to the CA2 Clerk in support of his August 11 **complaint** against **J. Ninfo** and other court officers .....C:63

Attachments:

a) **Official CA2 Complaint Form** for filing complaints against judicial officers under 28 U.S.C. **§351** .....C:68

b) **Dr. Cordero’s original 54-page Statement of Facts** of, 2003, submitted as an exhibit in support of his complaint against Judge Ninfo and other court officers set forth in his 2-page August 11 letter to Clerk MacKechnie (C:1) ..... E:1 above

c) **Dr. Cordero’s letter of August 11, 2003, to CA2 Clerk MacKechnie** lodging a judicial misconduct **complaint** against Judge **Ninfo** and others..... C:1 above

d) **Judge Ninfo’s order of July 15, 2003, requiring**, among other things, that **Dr. Cordero**, who lives in NYC, **participate** in a series of **“discrete” “discreet” hearings** in Rochester, NY..... E:55 above

5. Clerk **MacKechnie’s** letter by Deputy **Allen** of **September 2, 2003**, **acknowledging** receipt of Dr. Cordero’s judicial conduct **complaint**, but returning the separate volume of exhibits and stating that she **awaits** submission of **conformed exhibits** that do not include material not referenced in the Statement of Facts .....C:71

[**Comment:** On whose instructions and for what practical purpose was a court clerk asked to waste her time checking whether each of the exhibits in a 507-page volume of exhibits was referenced in the Statement of Facts?!]

6. **Title page of the separate volume of exhibits**, after **renaming** its statutory basis for judicial misconduct complaints from §372(c)(1) to **§351** of Title 28 U.S.C., and complying with Deputy Allen’s requirement of removing from the volume the exhibits not referenced in the Statement of Facts.....C:72

7. Clerk **MacKechnie’s** letter by Deputy **Allen**, dated **September 2, 2003**,



but received by Dr. Cordero on September 10, **acknowledging** receipt of a **complaint** under §351, dated August 27, 2003, and received on August 28, 2003, and giving notice of docketing it under no. **03-8547** .....C:73

8. **Rules of the Judicial Council of the Second Circuit Governing Complaints Against Judicial Officers under 28 U.S.C. et seq.**.....C:75

a) **Complaint form** stating its legal basis as §351 **and** accompanying **the Rules of the Judicial Council of the Second Circuit Governing Complaints Against Judicial Officers** .....C:101

9. **Dr. Cordero’s letter of February 2, 2004, to the Hon. John M. Walker, Jr., Chief Judge of the Court of Appeals for the Second Circuit, inquiring about the status of the complaint against Judge Ninfo and updating its supporting evidence** .....C:105

Exhibits

a) CA2 Clerk **Allen’s acknowledgment** of September 2, 2003, of filing Dr. Cordero’s §351 complaint against J. Ninfo (as in C:73).....C:107

b) **CA2 order of November 13, 2003, granting Dr. Cordero’s motion of November 3, 2003, for leave to introduce** in the record of his appeal *In re Premier Van et al.*, no. 03-5023, CA2, an **updating supplement on the issue of Judge Ninfo’s bias** [A:801] .....C:108

[**Comment:** This order was attached to show that CA2 had established the precedent for the updatability of evidence concerning Judge Ninfo’s bias.]

10. Clerk **MacKechnie’s** letter by Deputy **Allen** of **February 4, 2004**, acknowledging receipt of Dr. Cordero’s five copies of his **February 2** inquiring and updating **letter** to Chief Judge Walker, and stating “I am returning your documents to you. A decision has not been made in the above-reference matter. You will be notified by letter when a decision has been made” .....C:109

[**Comment:** Yet, it stands to reason that an update 6 months after the original complaint of August 11, 2003, was most pertinent precisely because a decision had not yet been made and the updating information could be useful in making it.]

11. Sample of Dr. **Cordero’s** letters of **February 11 and 13, 2004**, to Justice Ginsburg as Circuit Justice for the 2<sup>nd</sup> Circuit; to Judge Dennis Jacobs as the Circuit Judge eligible to become the next chief judge of the circuit; and to other members of the **Judicial Council, 2nd Cir., requesting** on the strength of the over 85 attached exhibits that they **bring his complaint** against Judge Ninfo and the other court officers **to the attention** of the **Council** and have it review C.J. Walker’s and CA2 clerks’ handling of the complaint so that the Council may launch an investigation of the judges and officers complained-against.....C:110

- a) **List of names, addresses, and telephone numbers of the Justice and judges members of the Judicial Council to whom Dr. Cordero sent his letters** .....C:112

[**Comment:** See also this information displayed in tabular format for mail merge at C:774.]

Attachment and Exhibit

- b) Table of Exhibits.....C:113

- I.5. **CA2 summary order of January 26, 2004, by CA2 Chief Judge Walker, CA2 Judge James L. Oakes, and CA2 Judge Robert A. Katzmann, dismissing Dr. Cordero’s appeal *In re Premier Van et al.*, no. 03-5023, CA2, for lack of jurisdiction because the orders appealed from were interlocutory, non-final orders**.....C:119

[**Comment:** This order is included here to show that CA2 **did not even mention** the issue of judicial wrongdoing that Dr. Cordero had timely and repeatedly raised in his opening brief (C:172) and motions (C:108 & D:426; C:296; C:381; D:440). In those documents, Dr. Cordero had stated that the acts of disregard for the law, the rules, and the facts by Bankruptcy Judge Ninfo and others were so numerous, so protective of the local parties and injurious to Dr. Cordero alone, the only non-local and pro se party, as to form a **pattern** of non-coincidental, intentional, and **coordinated wrongdoing in support of bankruptcy fraud**.

Yet, CA2 disregarded the evidence of such wrongdoing and simply dismissed the appeal on jurisdictional grounds. By so doing, the Court treated the appeal as if it were merely an action game where observance of formal rules took precedence over the substance of the process, that is, a determination of rights and duties by impartial judges acting in accordance with law. Thereby CA2 also failed to discharge its duty to safeguard the integrity of judicial process.

Moreover, the Court’s dismissal of the case on formal grounds not only ignored the substance of the appeal, but it also showed indifference to the practical consequence of its action, namely, it sent Dr. Cordero back to biased Bankruptcy Judge Ninfo and District Judge David G. Larimer to be worn down in litigation before them. Indeed, these judges had so repeatedly disregarded the rule of law and the facts that it was foreseeable that they would keep abusing Dr. Cordero’s rights all the way until their issuing of a final order or judgment, that is, if Dr. Cordero, a pro se party, had not been forced by exhaustion to settle or surrender his claims.

For what extrajudicial motive, aside from the legal merits of the case, the CA2 judges proceeded with such disregard for **“the effective and expeditious administration of the business of the courts”** is one of the key questions that must be answered in light of the compelling and abundant evidence of a bankruptcy fraud scheme.

For a summary of early evidence, up to August 2003, of such wrongdoing by Judge Ninfo and other court officers, see the detailed Table of Contents (E:4) of the Statement of Facts supporting Dr. Cordero's complaint against them of August 11, 2003.

On how the allegation that the district court orders are non-final and thus, unappealable is wrong as a matter of law and in practice, see C:124§§II-IV, and A:1652§3]

12. Dr. **Cordero's petition of March 10, 2004, to CA2 for panel rehearing and hearing en banc** of the dismissal of his appeal *In re Premier Van et al.*, no. 03-5023, CA2 .....C:122
  - a) Table of Entries from the Appendix (A-1-507).....C:138
  
13. Letter of Chief Judge Robert N. **Chatigny**, U.S. District Court for the District of **Connecticut**, of **March 1, 2004, to Dr. Cordero** stating that "The Rules of the Judicial Council of the Second Circuit Governing Complaints Against Judicial Officers...appear to make no provision for requests for expedited handling of complaints" ..... C:139
 

[**Comment:** Yet, the copy sent to C.J. Chatigny of the letter to CA2 C.J. Walker (C:105) showed precisely how 28 U.S.C. §351 and the Judicial Council Rules require 'prompt and expeditious action'. Did he even read that letter?]
  
14. Letter of Chief Judge Michael B. **Mukasey**, SDNY, of **March 2, 2004, to Dr. Cordero** stating that "The letter appears to state that you have filed a complaint of judicial misconduct and that you are not satisfied with the result" .....C:140
 

[**Comment:** However, the letter to C.J. Mukasey stated precisely that CA2 C. J. Walker had failed to provide any response for six months since the filing of the complaint against Judge Ninfo. Can these judges read with understanding or is there any other motive for their patently mistaken responses?]
  
15. Sample of Dr. **Cordero's letters of March 22, 2004, to Circuit Judge Jose A. Cabranes and other members of the Judicial Council** who had not replied to his letters of February 11 and 13, **requesting a reply** from each.....C:141
  
16. Clerk **MacKechnie's letter of March 29, 2004, advising Dr. Cordero that his letters to Circuit Judges Calabresi and Straub were forwarded to her office and that "Judicial Conduct Complaint 03-8547 [against Judge Ninfo and others] is under consideration"**..... C:142
 

[**Comment:** "Under consideration" since August 28, 2003 (C:73), seven months!, yet 28 U.S.C. §351 et seq. require 'prompt and expeditious action' (cf. C:105). So during all that time and for months thereafter C.J. Walker and the other judges of CA2 and the Judicial Council tolerated the misconduct of a judge, who kept affecting the integrity of judicial process and inflicting enormous material injury and tremendous

emotional distress on a particular, identifiable individual, Dr. Cordero.

Was the determinative consideration for their attitude precisely that the person complained-against was a judge, that is, one of their own? Did they not want to set a disciplinary precedent that one day could be turned around and applied against them, whether justifiably or in retaliation for having investigated, let alone disciplined, one of their brethren? Or were they not able to condemn conduct that they had themselves engaged in at an earlier time in their judgeships or were still engaging in? Their toleration of the conduct of Judge Ninfo as well as the other court officers complained-about in spite of the ever more blatant evidence of a bankruptcy fraud scheme and protection for the schemers shows that there is something very wrong going on.]

- 17. Letter of Karen Greve **Milton, Circuit Executive, of March 30, 2004, to Dr. Cordero** responding to his March 22 letters to members of the Judicial Council (C:141) and advising him that his judicial conduct **complaint** against Judge Ninfo is a “matter pending before the Court” ..... C:143

[**Comment:** But under 28 U.S.C. §351 it is the chief judge of the circuit who decides how to handle the complaint, not the court of appeals. Do the mistakes of these court officers (C:139, 140) reveal the quality of their work generally or their non-coincidental, intentional, and coordinated way of handling judicial misconduct complaints particularly?]

- 18. Clerk **MacKechnie’s** letter by Clerk **Allen of June 8, 2004, to Dr. Cordero** stating that his judicial conduct complaint, no. 03-8547, against Judge Ninfo was dismissed and indicating that the **deadline** for filing a **petition for review** by the Judicial Council is **July 9, 2004** .....C:144

- a) Order of Circuit Judge Dennis **Jacobs, as Acting Chief Judge, of June 8, 2004, dismissing** Dr. Cordero’s judicial misconduct **complaint** against Judge **Ninfo, no. 03-8547, filed on August 28, 2003 [C:1, 63]** .....C:145

- 19. **Allotment** of the Justices of the Supreme Court among the circuits .....C:149

**1. From *Pfuntner* before Judge Ninfo on appeal to CA2**

- 20. **Title page** of Dr. **Cordero’s** opening **brief** of **July 9, 2003, in *In re Premier Van et al., 03-5023, CA2*** .....C:169

- 21. Dr. **Cordero’s** opening **brief** of **July 9, 2003, in his appeal to CA2 *In re Premier Van et al., no. 03-5023, CA2*** .....C:171

[**Comment:** That brief also raised the issue and described the factual pattern of judicial wrongdoing, summarized at C:173§C and discussed from a legal standpoint at C:238§D.]

- a) Table of **Contents** .....C:172

- b) Table of the **Special Appendix** (in the same volume as the brief).....C:181
  - 1) Special Appendix items (SPA-:#) ..... **A**:1379
- c) Appendix (in a volume separate from the brief) ..... **A**:1-430
- d) Statement of Issues Presented for Review .....C:186
- e) Statement of the Case ..... C:188
- f) Statement of Facts .....C:190
- g) Summary of the Argument..... C:205
- h) The Argument.....C:209
- i) Relief Sought.....C:244

**B. Judicial misconduct complaint against Chief Judge John M. Walker, Jr., CA2**

- 22. Dr. **Cordero’s** 5-page **Statement of Facts** of **March 19, 2004**, setting forth a **complaint** under 28 U.S.C. §351 **against C.J. Walker**, addressed, under Rule 18(e) [C:98] of the Rules of the Judicial Council of the Second Circuit Governing Complaints against Judicial Officers, to the circuit judge eligible to become the next chief judge of the circuit .....C:271

Attachments:

- a) the **Official CA2 Complaint Form** for filing complaints against judicial officers under 28 U.S.C. **§372(c)**.....C:276
- b) Table of **Documents**.....C:279

Exhibits:

- c) 25 pages of **documents** (listed in the Table of Documents, C:279§I) dated after the original judicial misconduct complaint of August 11, 2003, against Judge Ninfo and accompanying the Statement of Facts; among them are the following ones **not already listed** above:
  - 7) Notice** of the Bankruptcy Court, WBNY, of February 3, 2004, of Chapter 13 Bankruptcy Case, **Meeting of Creditors** and **Deadlines** .....C:289

[This notice concerns the voluntary bankruptcy petition, docket no. 04-20280, filed on January 27, 2004, by David and Mary Ann DeLano, who named Dr. Cordero among their creditors (C:598).]

- 8) Dr. Cordero’s Objections** of **March 4, 2004, to Confirmation** of the Plan of Debt Repayment submitted by Debtors David and Mary Ann **DeLano** .....C:291

- 9) Dr. **Cordero's** Outline of his **Oral Argument** on December 11, 2003, paper copies of which were delivered to the members of the CA2 panel on the day of argument.....C:296

TABLE: **Main Papers** in In re Premier Van et al., docket no. 03-5023, CA2, with the numbers of the pages where they appear in the Appendix [cf. A:#] to Dr. Cordero's opening brief [C:171].....C:301

- d) Title page of the separate exhibits volume titled "Evidentiary Documents..." .....C:302

- i) **"Evidentiary Documents..."**

[**Comment:** This separate **volume** of exhibits included pages A-1-507, which had accompanied Dr. Cordero's complaint of August 11, 2003, against Judge Ninfo and other court officers (see the comments at ToEC>C:61 under a) above). As revised, those exhibits are now found mostly with the same page numbers in pages A:1-507. In addition, the "Evidentiary" volume included the following pertinent exhibits created in and since August 2003:

- 83. Dr. **Cordero's** motion of **August 8, 2003**, for **Judge Ninfo to transfer *Pfuntner v. Trustee Gordon et al.***, no. 02-2230, WBNY, to the U.S. District Court in Albany, NDNY, **and recuse himself due to bias**..... **A:674**
- 84. Dr. **Cordero's** motion of **November 3, 2003**, in **CA2** for leave to file an **updating** supplement of evidence of **bias** in Judge **Ninfo's** denial of Dr. Cordero's request for a trial by jury .....**A:801**
- 85. Dr. **Cordero's** motion of **December 28, 2003**, in CA2 for leave to brief the **issue** raised at oral argument by the **CA2 panel** hearing *In re Premier Van et al*, no. 03-5023, of CA2's **jurisdiction** to decide that case.....**A:844**

- 23. Dr. **Cordero's** motion of **March 22, 2004**, in CA2 for CA2 C.J. **Walker to recuse** himself from *In re Premier Van et al.*, no. 03-5023, CA2, and from considering the pending petition for panel rehearing and hearing en banc.....C:303

- a) Table of Contents .....C:305

- 24. CA2 Clerk **MacKechnie's** letter by Deputy **Allen** of **March 24, 2004**, acknowledging receipt of the complaint against C.J. Walker **and imposing** compliance with certain **formal requirements** for filing it.....C:315

- 25. Dr. **Cordero's** letter of **March 24, 2004**, to Circuit Judge Dennis **Jacobs**, as the circuit judge eligible to become the next chief judge of the Circuit, **asking** in connection with the **obstacles** placed **to filing** his misconduct

**complaint** of March 19, 2004, **against C.J. Walker** whether:

- i) Clerk Allen violated **FRAP Rule 25(4)**, which provides that “The clerk **must not refuse** to accept for filing **any paper** presented for that purpose solely because it is not presented in proper form as required by these rules or by **any local rule or practice**” ; and
- ii) Clerk Allen **handled the complaint** as she normally does any other or as part of a pattern of coordinated acts aimed at **preventing** Dr. Cordero from **filing** his judicial misconduct complaint.....C:316

Exhibit

- a) **Title page** of the separate **volume** titled “Evidentiary **Documents**” **supporting** Dr. Cordero’s **complaint** of March 19, 2004, against Chief Judge Walker ..... C:302 above

- 26. Dr. **Cordero’s** letter of **March 25**, 2004, to CA2 Judge Robert D. **Sack** **requesting** that as member of the **Judicial Council** of the Second Circuit he cause the Council to **investigate**:
  - i) why his judicial misconduct **complaint** charging disregard of the law and rules by Judge Ninfo and others has been **dealt with by C.J. Walker disregarding** the law at 28 U.S.C. §351 and the rules, such as those of the Council governing misconduct complaints [C:75], both of which require that such complaints be handled ‘promptly and expeditiously’; and
  - ii) why the **Court** of Appeals **failed** even to **discuss** the question of **misconduct when dismissing** his appeal in *In re Premier Van et al.*, no. 03-5023 [see the entry and comment at C:119] .....C:319
- 27. Clerk **MacKechnie’s** letter of **March 29**, 2004, advising Dr. Cordero that his **letter to Judge Sack** was **forwarded to her** office and that the matter is under consideration..... C:320
- 28. Dr. **Cordero’s resubmission** of March 29, 2004, to comply with formal requirements imposed by Clerks MacKechnie and Allen, of the **March 19** Statement of Facts of the **complaint** against CA2 Chief Judge **Walker** ..... C:271 above  
 Accompanied by:
- 29. **unattached: Official CA2 Complaint Form** for filing complaints against judicial officers under 28 U.S.C. **§351** .....C:321
- 30. **attached: 25 pages of documents** (listed in the Table of Documents, C:279§I) which were **created after** the original judicial misconduct

complaint of **August 11, 2003** (§22.c above).

31. The separate **volume of exhibits after** substituting “**Exhibits**” for “**Evidentiary Documents**” on its title page and removing **the exhibits** that were **not referred to** in the Statement of Facts, which changes were made to the original volume (§22.d.i) above) to overcome the CA2 clerks’ filing obstacle (C:315; cf. C:316).
  - i) **Title page** of the separate **volume** titled “**Exhibits**” .....C:324
32. Clerk **MacKechnie’s** letter of **March 29, 2004, to Dr. Cordero**, accompanying the **removed Table of Contents and pages 1-25** from each of the five copies of the resubmitted Statement of Facts because they were duplicates of pages in the separate volume titled “**Exhibits**” .....C:325
 

[**Comment:** What reason would the Clerk of Court herself have to waste her time determining whether a filing has duplicates or a table of contents? What harm is done by including them? None!, unless it is that the filing is a judicial misconduct complaint against the Chief Judge so that any pretext must be used to raise obstacle after obstacle intended to wear down the complainant and dissuade him from filing his complaint; and failing that, every means is used to eliminate from the complaint as much material as possible.]
33. Clerk **MacKechnie’s** letter by Deputy **Allen** of **March 30, 2004**, acknowledging receipt of a complaint and giving notice of filing it on March 29 and **docketing** it under no. **04-8510** .....C:326
34. Dr. **Cordero’s** motion of **April 18, 2004**, in CA2 for **leave to update the motion for Chief Judge Walker to recuse himself** from *In re Premier Van et al.*, no. 03-5023, CA2, with recent evidence of a **tolerated pattern of disregard for law and rules** further calling into question the Chief Judge’s objectivity and impartiality to judge similar conduct on appeal .....C:337
  - a) Table of Contents .....C:338
  - b) Table of Exhibits.....C:358
35. CA2’s **order of May 4, 2004**, by C.J. **Walker**, CA2 Judge James L. **Oakes**, and CA2 Judge Richard C. **Wesley**, denying Dr. Cordero’s motion of March 22, 2004, for “recusal of Chief Judge Walker from petition for rehearing and petition for rehearing en banc” in *In re Premier Van et al.*, no. 03-5023 .....C:359
36. CA2’s **amended order**, by C.J. **Walker**, J. **Oakes**, and J. **Katzmann**, of **May 10, 2004**, signed by Motions Staff Attorney Arthur Heller, **denying** Dr. Cordero’s motion for **recusal** of C.J. **Walker** .....C:360
37. Dr. **Cordero’s** **motion of May 31, 2004**, in CA2 for CA2 C.J. **Walker** either to **state his arguments for denying** the motions [of March 22, C:303; and of April 18, C:337] that he **disqualify** himself from considering the



pending petition for panel rehearing and hearing en banc and from having anything else to do with *In re Premier Van et al.*, no. 03-5023, or disqualify himself and failing that for CA2 to **disqualify the Chief Judge** therefrom .....C:361

a) Table of Contents .....C:363

b) Table of Exhibits.....C:379

9. Excerpt from Dr. Cordero’s **Request** of May 31, 2004, that the **FBI** open an **investigation** into the link between the **pattern** of non-coincidental, **intentional, and coordinated disregard** for the **law**, rules, and facts in the U.S. **Bankruptcy and District Courts** for the Western District of New York and the **money** generated by the concentration in the hands of individual trustees of **thousands** of open **cases**, including cases patently undeserving of relief under the Bankruptcy Code [see T0EC:>C:641 and comment thereunder for access to those cases] .....C:381

38. CA2’s **order** of **August 2**, 2004, **denying** Dr. Cordero’s **motion** of May 31, 2004, (C:361) for Chief Judge **Walker** to recuse himself or be disqualified by the Court from *In re Premier Van et al.* .....C:389

39. Clerk **MacKechnie’s letter** by Deputy Clerk **Allen** of **September 28**, 2004, **to** Dr. **Cordero** notifying him of the **dismissal** of his **complaint**, no. 04-8510, against Chief Judge **Walker** and indicating that the **deadline** for filing a **petition for review** is **October 29**, 2004 .....C:390

Attachment

a) Order of Acting Chief Judge Dennis **Jacobs** of **September 24**, 2004, **dismissing** as moot Dr. Cordero’s judicial conduct **complaint**, no. 04-8510, against Chief Judge **Walker**, [C:271] **filed** on **March 29**, 2004, because his complaint against Judge Ninfo had been “dismissed by order entered on June 9, 2004” .....C:391

[**Comment:** Actually, the complaint against Judge Ninfo was dismissed on June 8, not 9, by Judge Jacobs himself (C:145, 148) and was entered also on June 8 by the Court (C:144). This mistake further reveals with how little care this otherwise perfunctory dismissal was dashed out. (cf. C:711)]

40. CA2’s **statement** of **October 13**, 2004, that Chief Judge **Walker** **recused himself** from further consideration of *In re Premier Van et al.*, no. 03-5023, CA2, contained at the bottom of the Court’s **denial** of Dr. Cordero’s motion to quash [C:719] the order of August 30, 2004, of Bankruptcy Judge Ninfo [C:744] .....C:393

[**Comment:** Dr. Cordero made his three motions of March 22, April 18, and May 31, 2004 (C:303, 337, 361) for C.J. Walker to recuse himself from

considering his petition for rehearing (C:122) after the dismissal (C:119) of his appeal *In re Premier Van et al.*, no. 03-5023 [C:171]. The Chief Judge denied them without a word of explanation on May 10 and August 2 (C:359-360, 389). During all those months and thereafter other motions were denied by the panel of which the Chief remained a member just as the §351 judicial misconduct complaint against him by Dr. Cordero was dismissed on September 24 (C:391). Then unexpectedly on **October 13**, C.J. **Walker** had the Court state in an asterisk note at the foot of an order denying (C:393) something else that he had **recused himself from *In re Premier***. He gave no explanation whatsoever therefor. Too little too late as well as doubtful.

Indeed, just a few days later, on **October 26**, the Court denied Dr. Cordero's petition for **rehearing** in *In re Premier* (C:394). It stated that the **denial** was ordered "upon consideration by the panel [C:119] that decided the appeal". That panel, of course, included C.J. Walker. The order did not state that the denial was ordered 'by the remaining members of the panel'. Nor did it state the names of the deciding judges; it was simply signed by Arthur Heller, Esq., a motion staff attorney. Dr. Cordero's motion for naming the judges who denied his rehearing motion (C:403) was not even filed and was returned.]

- 41. **CA2's order of October 26, 2004, stating that "upon consideration by the panel [C:119] that decided the appeal", Dr. Cordero's petition for panel rehearing and hearing en banc in *In re Premier Van et al.* was denied.....C:394**

[**Comment:** No reason for that denial was provided either. Cf. Dr. Cordero's brief petitioning to the U.S. Supreme Court for a writ of certiorari to CA2 (A:1601) and its summarizing Table of Headings (A:1633), which point to CA2's indifference to judicial wrongdoing and its failure to discharge its responsibility to safeguard the integrity of judicial process.]

- 42. **Dr. Cordero's motion of November 2, 2004, for CA2 to stay the mandate after denying his petition for panel rehearing and hearing en banc in *In re Premier Van et al.*, 03-5023 .....C:395**

- 43. **Dr. Cordero's motion of November 3, 2004, for CA2 to state the names of the panel members that denied his motion for panel rehearing (returned unfiled) .....C:403**

- 44. **Dr. Cordero's motion of November 8, 2004, for CA2 to report *In re Premier Van et al.*, no. 03-5023, to the U.S. Attorney General under 18 U.S.C. §3057(a) [C:405] for investigation of the evidence of a bankruptcy fraud scheme.....C:404**

- a) **Table of Contents .....C:405**

[**Comment:** The motion to report *In re Premier* to the U.S. Attorney General was returned unfiled. However, the duty that Congress imposed under §3057(a) (C:405) on judges to report bankruptcy fraud is

independent from whether anybody has any case in any court.

Likewise, under 28 U.S.C. §351(b) “on the basis of information available to the chief judge of a circuit” such chief judge can “identify a complaint for purposes of this chapter” on judicial misconduct in order to proceed under it “and thereby dispense with the filing of a written complaint”. Despite the refusal to file that November 8 motion, Chief Judge Walker received information about the support given by Judge Ninfo and others to a bankruptcy fraud scheme and could have proceeded based thereon either to launch an investigation under §351 or to report the information to the Attorney General under §3057(a) (C:405).

The fact is that the Chief Judge first received such information when Dr. Cordero filed his opening brief of July 9, 2003, (C:171) in *In re Premier*, of whose panel the Chief was a member. He received even more corroborating and updating information in the several motions that Dr. Cordero subsequently filed (C:108 & D:426; C:296, 381; D:441), as well as in the complaint against Judge Ninfo of August 11, 2003 (C:1 & 63; E:1), in the letter to him of February 2, 2004 (C:105) and in the motions that followed. Why did Chief Judge Walker fail to take any action to perform his duty to safeguard the integrity of the judicial system in the circuit of which he is supposed to be the foremost steward?]

45. CA2’s **order of November 8, 2004, denying Dr. Cordero’s motion to stay the mandate**, before Judge Oakes and Judge Katzmann.....C:420

46. CA2’s order of **November 8, 2004, issuing the mandate**.....C:421

47. Docket of *In re Premier Van et al.*, no. 03-5023, CA2, as of May 15, 2006 .....C:422

**C. Misconduct by clerks leads to call for an investigation by motion to CA2 and by request to its Clerk of Court**

48. Dr. Cordero’s motion of **February 9, 2004, for an extension of time to file a petition for rehearing** and for a stay of the mandate due to the CA2 clerk’s **untimely notification** to him that his **appeal *In re Premier Van et al.*, no. 03-5023, had been dismissed**; and CA2’s order of **February 23, 2004, granting it**.....C:441

49. Dr. Cordero’s motion of **April 11, 2004, for declaratory judgment** that CA2 officers intentionally **violated law and rules** as part of a **pattern of coordinated wrongdoing** to complainant’s detriment and for CA2 to launch an investigation.....C:442

    a) Table of Contents.....C:443

    a) Table of Exhibits .....C:464

50. Dr. Cordero’s letter of **April 11, 2004, to the parties served** with his

motion for declaratory judgment.....C:465

51. Dr. **Cordero’s** letter of **April 12, 2004, to Circuit Executive Milton** transmitting confidentially to her a package of information and asking that she take action concerning his motion for declaratory judgment and to that end “I also request that you restrict the circulation of this letter to people that are not in a position to retaliate against me” [cf.C:537 below] .....C:466

Exhibits

- a) Dr. **Cordero’s** motion of **April 11, 2004, for declaratory judgment** ..... C:442 above
- b) Dr. **Cordero’s Memorandum of March 30, 2004, to the parties on the facts, implications, and requests concerning the DeLanos’ Chapter 13 bankruptcy petition, docket no. 04-20280, WBNY** .....C:469
  - i) Table of Contents .....C:469

52. Clerk of Court **MacKechnie’s** letter of **April 13, 2004, to Dr. Cordero returning** to him his April 11 **motion** and advising him that it was **not filed** because misconduct complaints do **not allow motion practice** and the Chief Judge cannot launch an investigation since he was named in the complaint.....C:491

[**Comment:** However, Clerk MacKechnie cited no legal provision for her allegation. Nor could she have cited any because 28 U.S.C. §351 et seq. do not prohibit motion practice at all, a subject on which those sections are silent, as are also the Council’s Rules Governing §351 complaints (C:75).

Likewise, Rule 18(e) of those Rules (C:98) provide that when the chief judge is the subject of a complaint “responsibilities of the chief judge under these rules will be assigned to the circuit judge eligible to become the next chief judge of the circuit” .

This shows how Clerk MacKechnie abused her power by acting in self-interest to prevent Dr. Cordero’s April 11 motion (C:442), which complained against her and clerks under her authority, from reaching the CA2 judges formally. In so doing, she deprived him of access to the Court for judicial determination of a controversy, for the protection of his legal rights, and for the safeguard of his interests. (Cf. C: 509, 513 and 777).]

53. Dr. **Cordero’s request of April 18, 2004, to Clerk MacKechnie to review her decisions** concerning Dr. Cordero’s complaint against the clerks’ pattern of mishandling his judicial misconduct complaints.....C:492

- a) Table of Contents.....C:493

54. Dr. **Cordero’s** letter of **April 19, 2004, to Circuit Executive Milton** accompanying a copy of his April 18 request to Clerk MacKechnie for review .....C:508

55. Letter of Fernando **Galindo**, Acting Clerk of Court, of **April 27, 2004**, to Dr. **Cordero** returning **unfiled** his April 18 **request** to Clerk MacKechnie to review her decisions because “The **Rules** governing the judicial conduct procedure (28 U.S.C. §351) does (sic) **not allow motion practice**” ..... C:509

[**Comment:** Neither Clerk Galindo cited in support of that allegation any provision of §351 et seq. or the Council’s Rules Governing §351 complaints (C:75); cf. the entries and comments at C:491, 513 and 777]

56. Dr. **Cordero’s** letter of **April 28, 2004**, to Clerk **MacKechnie** and to the attention of Deputy **Allen** **objecting** to their decision to **return unfiled** his April 18 **request** for review and the **conflict of interest** in not allowing the panel of the Court in session to pass judgment on a legal question involving a **complaint against the clerks**.....C:510

57. Dr. **Cordero’s** letter of **April 29, 2004**, to Circuit Executive **Milton** concerning her **lack of response** to his April 12 and 19 letters (C:466, 508) despite her request to him in her March 30 letter (C:143) that he “direct any future question to me”, **and** that he did so **confidentially** in his April 12 **letter to her** (C:466), **nevertheless** Clerk **MacKechnie** was able to **make reference to it** in her April 13 letter to him (C:491) .....C:511

Exhibit

- a) Dr. Cordero’s letter of April 28, 2004, to Clerks MacKechnie and Allen ..... C:510 above

58. Circuit Executive **Milton’s** letter of **May 14, 2004**, to Dr. **Cordero** stating that Clerk MacKechnie “acted in a manner that is consistent with the rules governing judicial conduct matters, 28 U.S.C. §351 [which] do not allow motion practice” and that the Circuit Executive does not have jurisdiction to refer a matter to the FBI .....C:513

[**Comment:** One would reasonably expect that the Circuit Executive of a judicial circuit would reflexively cite the specific provision of a legal instrument in support of her contention, and all the more so if the instrument was created by the circuit itself, as is the case with the “**rules governing judicial conduct matters**” (cf. 75), which Executive Milton simply mentioned generally.

Executive Milton could not have cited any provision in particular because as a matter of fact those Rules (**C:75**) do not even mention motion practice, let alone prohibit it. Since she can be imputed with knowledge of Rules that she herself referred Dr. Cordero to, did she simply pretend that they prohibit motion practice in order to dispose of Dr. Cordero’s complaint and get rid of him? Was this what also Clerk of Court MacKechnie (C:491), Acting Clerk of Court Galindo (C:509) and Clerk Allen (C:777) did?

The likelihood that Executive Milton may have made up such pretense is

increased by the disingenuous statement that she did not have jurisdiction to refer the matter to the FBI. The fact is that nobody needs “jurisdiction” or authority to bring a matter to the FBI, just as nobody needs it to report to the police a crime or a belief that a criminal offense may have been committed.

On the contrary, the broad language of 18 U.S.C. §3057(a) (C:405) imposes a duty to make a report to the U.S. Attorney on any judge that may have just a reasonable belief, not even evidence, that a bankruptcy law has been violated. (cf. C:404) Since Executive Milton is appointed by and works for judges, she could invoke such provision, that is, if she needed to invoke any, to make such report to the U.S. Attorney or the FBI.]

- 59. Dr. **Cordero’s** motion of **May 15, 2004**, for **declaratory judgment** that the **legal grounds** for **updating** an appeal’s opening and reply **briefs** and expanding upon their issues also **apply** to similar papers **under 28 U.S.C. Chapter 16** .....C:514
  - a) Table of Contents.....C:518
- 60. Dr. **Cordero’s** **letter** of **June 19, 2004**, to CA2 Chief Judge **Walker**, stating that the CA2 judicial **misconduct orders** and materials have **not** been made publicly **available, as required** under **Rule 17(a) and (b)** of the Judicial Council’s Rules Governing Complaints Against Judicial Officers, and **requesting** that those orders and materials **be made available** to him for his research and writing use before the deadline of July 9, 2004 (C:144) for submitting his petition for review of the dismissal (C:145) of his complaint against Judge Ninfo (C:63) .....C:530
  - a) **Rule 17(a) and (b)** of the Rules of the Judicial Council of the Second Circuit Governing Complaints against Judicial Officers.....C:531
- 61. Dr. **Cordero’s** **letter** of **June 30, 2004**, to Chief Judge **Walker**, stating that the Court’s **archiving** of all judicial **misconduct rules** *in the National Archives in Missouri!* except those for the last three years constitutes a **violation** of **Rule 17** (C:531; also at C:96) of the Judicial Council’s Rules Governing Misconduct Complaints.....C:533
  - a) OfficeDepot catalog page on binders and number of pages they can hold.....C:536

[Those binders could have been used to hold the orders and keep them at the CA2 courthouse so as to ensure their availability to the public, as required by law and rule, rather than send them to the National Archives in Missouri.]

- 62. Dr. **Cordero’s** letter of **July 1, 2004**, to Fernando **Galindo**, CA2 Chief Deputy of the Clerk of Court, **concerning** the warning to him by **Clerk Harris**, Head of the In-take Room, that **if he nodded** a third time **in the**

**reading room** while reading misconduct orders, **she would call the marshals** on him [cf.C:466 above] .....C:537

63. CA2’s **order of August 2, 2004, denying** Dr. Cordero’s May 15 **motion** [C:514] for **declaratory judgment** that the **legal grounds** for **updating** opening and reply appeal **briefs** and expanding upon their issues also **apply** to similar papers **under 28 U.S.C. Chapter 16** .....C:540

**D. Appeal to the Judicial Council, 2<sup>nd</sup> Cir., from the dismissal of the misconduct complaint against Judge Ninfo, WBNY**

64. Dr. Cordero’s **petition of July 8, 2004, to the Judicial Council** of the Second Circuit, addressed to Clerk of Court MacKechnie, **for review** of the **dismissal** of his judicial misconduct **complaint** of August 11, 2003, against Judge **Ninfo** and other court officers, docket no. 03-8547, CA2 .....C:551

    a) Table of Contents.....C:551

    b) Table of Exhibits .....C:561

    8. **Table of CA2 Judicial Misconduct Orders: orders made available** to Petitioner Dr. Cordero on July 1, 2004, by CA2 to be read in its Reading Room **two weeks after** he **requested** them **to prepare** his **petition** to the Judicial Council for review of the dismissal of his complaint, no. 03-8547, CA2, against Judge Ninfo, WBNY, but no docket-sheet record was available, though required under Rule 17(a) [C:96]; and dissenting opinions and separate statements by Judicial Council members, if written, were not available (listed in the order in which they were found in the CA2 2003 binder) .....C:564

    9. Table of All 15 **Memoranda and Orders** of the **Judicial Conference** of the U.S. Committee to Review Circuit Council Conduct and Disability Orders (text at C:1611) sent in May and July 2004 to Dr. Cordero from the General Counsel’s Office of the Administrative Office of the U.S. Courts [cf. C:681] and **showing** how **few** complaints under 28 U.S.C. §351 et seq. are allowed to **reach the Judicial Conference** as petitions for review of judicial council action [as of July 2004; cf. C:973 et seq.] .....C:566

    10. Title page of the **Report of September 23, 2003, of the Proceedings of the Judicial Conference** of the United States, presented by Chief Justice William H. Rehnquist.....C:567

        (a) **Report of September 23, 2003, of the Proceedings of the**

**Judicial Conference**, and Reports of March and September 2003 and March 2004, of the Judicial Conference’s **Committee to Review** Circuit Council Conduct and Disability **Orders**, all stating that there are **no pending petitions** for review of judicial council action on misconduct orders .....C:568

- 11. **Supreme Court** of the United States **2003 Year-end Report** on the Federal Judiciary: from 7,924 **filings** in the 2001 Term to **8,255 in** the **2002 Term**; [www.supremecourtus.gov](http://www.supremecourtus.gov) .....C:573

[**Comment:** In a society as litigious as ours, as further shown above by the number of filings in the Supreme Court alone, can it reasonably be assumed for a second that it is a natural occurrence that *for years in a row* there is not a single petition for review to the Judicial Conference from any of the 13 circuits in connection with judicial misconduct complaints under 28 U.S.C. §351 et seq.? (C:1711)

It would be patently untenable to pretend that not even one of all the §351 complainants to the chief judges was dissatisfied with a chief judge’s final order concerning his complaint so as to petition one of the judicial councils for review thereof under §352(c). It is just as untenable to allege that not a single petitioner to any of the councils was “**aggrieved**” under §357(a) by a council’s action so as to petition the Judicial Conference for review thereof. It is equally untenable to even suggest that of all the complaints filed during the course of years there is not one meritorious enough for any of the councils to refer under §354(b) to the Conference.

Consequently, it necessarily follows that the occurrence of “**no pending petitions for review of judicial council action on misconduct orders**” is the result of the non-coincidental, intentional, and coordinated determination of the judges of the 13 councils, with the conniving approval of those who are also members of the Conference, both to prevent complaints, not to mention their own action on them, from being reviewed and to put an end to them at the earliest stage possible.

The Supreme Court is responsible for ensuring respect for the rule of law through its application not only by, but also to, judges. Hence, it too is to blame for having allowed the entrenchment of the attitude of flagrant disregard for the Judicial Conduct and Disability Act of 1980 by judges, chief judges, and their councils and Conference, and for having tolerated its deleterious effect on the integrity of judicial process. (Cf. A:1662§D; T<sub>o</sub>E:C:>C:973 and Comment thereunder)]

- 12. News release of the **Supreme Court** of **June 10, 2004**, on the Organizational Meeting of the **Judicial Conduct** and Disability Act Study **Committee chaired by Justice Stephen Breyer** upon appointment by Chief Justice William Rehnquist;



[http://www.supremecourtus.gov/publicinfo/press/pr\\_04-13-04.html](http://www.supremecourtus.gov/publicinfo/press/pr_04-13-04.html).....C:574

13. **Statement** of Mr. James Sensenbrenner, Chairman of the **Committee on the Judiciary** of the House of Representatives, of **May 26, 2004**, regarding the new **Commission on Judicial Misconduct**; <http://judiciary.house.gov> .....C:576

17. The **DeLano Bankruptcy Petition**, A **test case** that illustrates how a bankruptcy petition riddled with red flags as to its good faith is **accepted without review** by the trustee **and readied for confirmation** by the **bankruptcy court** .....C:578

18. **Notice** of the U.S. Bankruptcy Court, WBNY, of February 3, 2004, of **Meeting of Creditors** and Deadlines after the joint filing on **January 27, 2004**, by David and Mary Ann **DeLano** of a voluntary bankruptcy petition, docket no. 04-20280, under Chapter 13 of U.S.C. Title 11.....C:581

    (a) Certificate of Mailing containing **names and addresses** of the DeLanos’ creditors and other parties .....C:583

[**Comment:** The list includes Dr. Cordero, who was named by the DeLanos as one of their creditors (C:598); see also other addresses at C:619, 1051, and ToEC:§VII.]

19. **Petition** by David **DeLano** and Mary Ann DeLano, dated **January 26, 2004**, for **voluntary bankruptcy** under 11 U.S.C. Chapter 13, with Schedules A-J .....C:585

    (a) Statement of Financial Affairs.....C:605

20. Chapter 13 **Plan for Debt Repayment** of David and Mary Ann DeLano, dated January 26, 2004.....C:617

21. **Useful addresses** for investigating the judicial misconduct and bankruptcy fraud scheme revealed by the *DeLano* case (see also other addresses at C:583) .....C:619

65. Acting Clerk of Court Fernando **Galindo’s** letter of **July 9, 2004**, **returning** to Dr. **Cordero** his 10-page **petition** for review of **July 8** because “It has been the long-standing practice of this court to...establish the definition of *brief* as applied to the *statement of grounds for petition* to five pages” (emphasis in the original).....C:621

[**Comment:** However, such practice was nowhere stated to give notice to potential petitioners so that they would not waste their time, effort, and money writing more than 5 pages. How odd: a federal court of appeals that either does not understand or disregards the fundamental notion of notice as a prerequisite for achieving fairness in judicial process.]

- 66. Dr. **Cordero's** letter of **July 13, 2004, to Acting Clerk Galindo accompanying his revised petition** for review and protesting CA2's failure to give notice of the practice of limiting petitions for review to five pages; and demonstrating the **inconsistency** of requiring that petitions **not** be submitted with any **other documents** .....C:622
- 67. Dr. **Cordero's petition to the Judicial Council, 2<sup>nd</sup> Cir.**, of July 8, 2004, addressed to Acting Clerk of Court Galindo, as reformatted and resubmitted **on July 13, 2004**, containing the statement of grounds for review under Rules 5 and 8(e)(2) of this Circuit's Rules Governing Judicial Misconduct Complaint [C:82 & 86], of the dismissal of his **complaint** against Judge **Ninfo**.....C:623
  - a) **Title page** of the **separate volume** of **exhibits** after the exhibits attached to the July 8 petition were refused for filing .....C:628
  - b) **Table of Exhibits** of the separate volume of exhibits.....C:629
- 22. Chief Judge **Walker violated his obligations** under 28 U.S.C. §351 and the Judicial Council implementing rules [C:75] **with respect** to the **complaint against** Judge John C. **Ninfo, II**, in several substantive aspects so as to raise the reasonable **inference** that the complaint's **dismissal** was also decided in **violation** thereof.....C:632
- 23. A Chapter 7 **Trustee** with **3,383 cases!** How the Trustee showed that with such workload he could not and did not pay attention to the facts and merits of each case; yet, Judge **Ninfo** and the U.S. Trustee **protected him** from a complaint about his performance and fitness to serve **and even dismissed claims** of negligence against the Trustee **without** allowing any **discovery** .....C:641

[**Comment:** The cases of Chapter 7 Trustee Kenneth Gordon can be seen, as reported on the stated dates by PACER (Public Access to Court Electronic Records) in section „C. Searches on PACER...“ (ToEC:91¶12), Through the hyperlinks there, the PACER reports are available in PDF and WORD files. Furthermore, those with access to PACER can access the docket itself of each case through the active hyperlinks in the WORD files.

For a current list of such cases, log in to PACER directly through, <http://pacer.psc.uscourts.gov/>, click on „Query“, and enter the values „Gordon, Kenneth“. This will return a list of hyperlinks with permutations of the name Kenneth W. Gordon through which the cases can be accessed where he appears as party (pty), trustee (tr), or attorney (aty).

The number of cases thus found will make it possible to establish the rate at which Trustee Gordon adds new cases every day. This was a suspiciously overwhelming rate when such comparative exercise was last performed on the number of cases that he had on November 3, 2003,

and June 26, 2004. (C:1406¶¶16-18)]

All of the above also holds, mutatis mutandis, for the cases of Chapter 13 George M. Reiber.]

68. CA2 Clerk **MacKechnie**'s cover **letter** by Deputy **Allen** of **July 16**, 2004, to Dr. Cordero **acknowledging** receipt of his **petition** to the **Judicial Council**, wrongly referring to it as of February 13, rather than July 13, 2004, for **review** of the dismissal of his complaint, docket no. 03-8547, CA2, **against** Judge **Ninfo**; and **returning** the also unaccepted separate **volume** of exhibits.....C:651
69. Sample of Dr. **Cordero**'s letters of **July 30**, 2004, to Circuit Judge Rosemary S. **Pooler** and the other **members** of the **Judicial Council** to let them know that neither the **volume** of exhibits nor the **table of exhibits** accompanying his petition for review was accepted by CA2 for filing but instead both were **returned unfiled** and sending a copy of the table as well as of the 5-page petition to each of them.....C:652
  - a) List of member of the Judicial Council, 2nd Cir., to whom Dr. Cordero sent the letters of July 30, 2004.....C:653
70. Dr. **Cordero**'s letter of **July 31**, 2004, to CA2 Clerk **MacKechnie** accompanying a **resubmitted** separate bound **volume of exhibits** for the petition for review and requesting that she file it so that the members of the Judicial Council may request and obtain from her any or all exhibits.....C:654
  - a) **Title page** of the separate volume of exhibits resubmitted by Dr. **Cordero** on **July 31**, 2004, to Clerk **MacKechnie** for her to **make available to** any **member** of the **Judicial Council** requesting any or all of them on the basis of the table of exhibits accompanying his letter of July 30 to each of them.....C:655
71. Clerk **MacKechnie**'s letter of **August 3**, 2004, accompanying the **return unfiled** of Dr. **Cordero**'s resubmitted **volume of exhibits** and the copies of July 30, 2004, of the **table** of exhibits and the 5-page **petition** to Judge Dennis **Jacobs**.....C:656
72. Clerk **MacKechnie**'s letter by Deputy **Allen** of **August 13**, 2004, accompanying the **return** of Dr. Cordero's copies of July 30, 2004, of the **table** of exhibits and the 5-page **petition** to Chief Judge **Walker** .....C:657
73. Clerk **MacKechnie**'s letter by Deputy **Allen** of **August 18**, 2004, accompanying the return of Dr. **Cordero**'s copies of July 30, 2004, of the **table** of exhibits and the 5-page **petition** to Judge J. **Straub** (cf. C:652).....C:658
74. Sample of Dr. **Cordero**'s letters of **August 27**, 2004, to Chief Judge Edward R. Korman, EDNY, and other members of the **Judicial Council** providing them an update (cf. C:652) of his July 8 and 13 petition for review (C:623) .....C:659

- a) **Dr. Cordero’s statement regarding his petition** to the Judicial Council for review [C:623]of the dismissal [C:144] of the complaint against Judge Ninfo [C:63] and **updating** it with evidence as of August 27, 2004, pointing to lots of **money** generated by fraudulent bankruptcy petitions as the force **driving** the complained-about bias and **pattern** of non-coincidental, intentional, and coordinated acts of **disregard** for the **law**, the rules, and the facts **by Judge Ninfo and others** in WBNY and WDNY.....C:660
- b) **Entries updating** to August 27, 2004, the **docket** of *In re David and Mary Ann DeLano*, no. 04-20280, WBNY .....C:666
- 75. Clerk **MacKechnie’s letter** by Deputy **Allen** of **August 31**, 2004, on behalf of CA2 Judge Dennis Jacobs and Judge Jose Cabranes, both of whom “forwarded your unopened letter to this office for response”, and of C.J. Walker, as well as of **September 3**, 2004, on behalf of CA2 Judge Guido Calabresi, **returning to Dr. Cordero** his August 27 **letters** without any action taken.....C:667
- 76. Clerk **MacKechnie’s letter** by Deputy **Allen** of **October 6**, 2004, notifying Dr. Cordero of the **Judicial Council’s order** of September 30, 2004, **denying his petition** for review of the dismissal of his complaint, docket no. 03-8547, **against Judge Ninfo** .....C:671
  - a) **Judicial Council’s order** by Circuit Executive Milton of **September 30**, 2004, **denying** Dr. Cordero’s **petition** for review.....C:672

[**Comment:** This order gives no explanation for the denial other than indicating “for the reasons stated in the order dated June 8, 2004” (C:145) that dismissed Dr. Cordero’s **complaint**, docket no. 03-8547, against Judge **Ninfo** (C:63; cf. C:781); and wrongly stating that complaint’s filing date as August 8, 2003, instead of August 28, 2003 (C:73)]

**E. Request to the Administrative Office of the U.S. Courts for an investigation of misconduct by clerks**

- 77. Note of Jeffrey N. **Barr**, Esq., Assistant General Counsel at the General Counsel’s Office of the Administrative Office of the U.S. Courts, of **May 13**, 2004, to Dr. **Cordero** accompanying the **15 orders** of the **Judicial Conference** since the adoption of the Judicial Conduct and Disability Act of **1980** [C:1611, but some orders were missing pages] .....C:681
- 78. Dr. **Cordero’s fax** of **June 23**, 2004, to Asst. Gen. Counsel **Barr** at the **Administrative Office** of the U.S. Courts, **requesting** the **Judicial Conference** orders **missing** from the numbered series and the **pages** missing from **orders** that were sent to him (C:1611); and asking for copies

of Conduct and Disability orders of the judicial councils, particularly of the Second Circuit, and statistics.....C:682

79. Dr. **Cordero’s** fax of **July 2, 2004**, sent again to Att. **Barr requesting** the same materials as in the June 23 fax ..... C:682 above

80. Dr. **Cordero’s** fax of **July 15, 2004**, sent a third time to Att. **Barr requesting** the same materials as in the June 23 fax ..... C:682 above

81. Att. **Barr’s** letter of **July 22, 2004**, to Dr. **Cordero** sending him **complete copies** of certain public **orders** of the Judicial Conference Committee to Review Circuit Council Conduct and Disability Orders .....C:683

82. Dr. **Cordero’s** **cover letter** of **July 29, 2004**, to **Jeffrey Barr** accompanying his **complaint** to the Administrative Office of the U.S. Courts **against** court **administrative** and **clerical officers mishandling** judicial misconduct **complaints and orders**.....C:684

83. Dr. **Cordero’s** **complaint** of **July 28, 2004**, to the **Administrative Office** of the U.S. Courts against **CA2** court administrative and **clerical officers** and their **mishandling** of judicial misconduct **complaints** and orders to the detriment of the public at large as well as of Dr. Richard Cordero [never replied to] .....C:685

    a) Table of Contents.....C:685

    b) Table of Exhibits .....C:698

**F. Appeal to the Judicial Council from the dismissal of the misconduct complaint against C.J. Walker**

84. Dr. **Cordero’s** **petition** of **October 4, 2004**, to the **Judicial Council**, 2<sup>nd</sup> Cir., addressed to Clerk MacKechnie, for **review** of Acting Chief Judge Dennis Jacobs’ **order** of September 24, 2004, **dismissing** (C:391) his judicial misconduct complaint, docket no. 04-8510, **against** Chief Judge **Walker** (C:271) .....C:711

85. Clerk **MacKechnie’s** cover **letter** by Deputy **Allen** of **October 7, 2004**, to Dr. Cordero **acknowledging** receipt of his October 4 **petition** to the **Judicial Council** for **review** of the dismissal of his complaint **against C.J. Walker**.....C:716

86. **Sample** of Dr. **Cordero’s** letters of **October 14, 2004**, to Chief Judge Richard J. **Arcara**, EDNY, and other members of the **Judicial Council** **submitting exhibits** in support of the petition for review of the dismissal of the complaint against C. J. Walker **and requesting an investigation**.....C:717

    a) **Table of Exhibits** for consideration by the members of the Judicial

Council in the context of the October 4 petition for review of the dismissal of the complaint against C. J. Walker .....C:718

4. Dr. **Cordero’s motion of September 9, 2004, in CA2, to quash the order of Judge Ninfo of August 30, 2004, to sever a claim from the case on appeal *In re Premier Van et al.*, no. 03-5023, CA2, in order to try it in the bankruptcy case *In re DeLano*, no. 04-20280, WBNY, thus making a mockery of the appellate process** .....C:719

    (a) Table of Contents .....C:722

    (b) Table of Exhibits .....C:739

        1. Judge **Ninfo’s letter of November 19, 2003, to CA2 Clerk MacKechnie submitting copies of his four decisions of October 16 and 23, 2003, in *Pfuntner v. Trustee Gordon et al.*, no. 04-20280, WBNY, after having received from an unstated source a copy of Dr. Cordero’s CA2 Motion Information Sheet of October 31, 2003, that accompanied his motion in CA2 for leave to file in *In re Premier Van et al.*, no. 03-5023, CA2, an updating supplement of evidence of bias in Judge Ninfo’s denial of Dr. Cordero’s request for a trial by jury** .....C:743

        5. Judge **Ninfo’s order of August 30, 2004, for Dr. Cordero to take discovery of Debtor Mr. DeLano by severing Dr. Cordero’s claim against the Debtor from the CA2 case *In re Premier Van et al.*, no. 03-5023, for the purpose of trying it in Bankruptcy Court in *In re DeLano*, no. 04-20280** .....C:744

        6. Dr. **Cordero’s motion of August 14, 2004, in *DeLano*, WBNY, for docketing and issue of the proposed order, transfer, referral, examination, and other relief**.....C:752

            i) Table of Contents .....C:752

            ii) Dr. Cordero’s **proposed order of August 14, 2004, to be issued by Judge Ninfo in *In re DeLano*, no. 04-20280, WBNY, for docketing and production of documents, investigation, etc.**.....C:770

            iii) **Phone bill showing faxes sent by Dr. Cordero to J Ninfo’s fax no. (585)613-4299, thus belying the court’s assertion that Dr. Cordero’s documents had not been docketed because they**

- had **not** been received .....C:772
10. **Table of dates of key documents** as of October 14, 2004, concerning Dr. Cordero’s judicial misconduct **complaints** in the Court of Appeals, docket nos. 03-8547 and 04-8510, CA2, and the **petitions** to the Judicial Council for review of the dismissals of those complaints [see updated version at T<sub>o</sub>E:C:107] .....C:773
87. **Useful information** about the Judicial Council of the Second Circuit:
- a) Table of names, addresses, and telephone numbers of the **members** of the **Judicial Council**, displayed in tabular format for mail merge (see also this information displayed as block addresses at C:112 and cf. T<sub>o</sub>E:C:79§VII) .....C:774
- b) **Official information** about the **Judicial Council** of the Second Circuit found in March 2006 at <http://www.ca2.uscourts.gov/> .....C:775
88. Clerk **MacKechnie’s letter** by Deputy **Allen** of **October 20**, 2004, **returning** to Dr. Cordero the **exhibits** submitted on October 14 (C:717) to Chief Judge Walker and Judges Jacobs and Straub and stating that “You cannot supplement the file in the judicial complaint procedure” .....C:777
- [**Comment:** Clerk Allen cited no rule prohibiting the supplementation of judicial complaints, for there is no such prohibition either in the CA2 Rules (C:75) or in the statute at 28 U.S.C. §351 et seq. (cf. the entries and comments at T<sub>o</sub>E:C>C:491, >C:509, and >C:513)]
89. Clerk **MacKechnie’s letter** by Deputy **Allen** of **November 10**, 2004, notifying Dr. Cordero of the **Judicial Council’s order** of November 10, 2004, **denying** his petition for **review** of the dismissal of his complaint, docket no. 04-8510, **against** Chief Judge **Walker** .....C:780
- a) **Judicial Council’s order** by Circuit Executive Milton of **November 10**, 2004, **denying** Dr. Cordero’s review **petition**.....C:781
- [**Comment:** This order gives no explanation for the denial other than indicating “for the reasons stated in the order dated September 24, 2004” (C:391) that dismissed Dr. Cordero’s **complaint**, docket no. 04-8510, against Chief Judge **Walker** (C:271) When judges can deny a petition, particularly one concerning a complaint against one of their own, let alone their chief judge, without giving any explanation whatsoever, what incentive do they have, not to mention what assurance do they give the petitioner and the public at large, that they even read the petition that they denied?]
90. Sample of Dr. **Cordero’s letters** of **November 29**, 2004, to CA2 Judge Robert A. **Katzmann** and other members of the Second Circuit **Judicial Council** and **Court of Appeals** explaining the factual basis and legal

reasons for them to **report evidence of** judicial wrongdoing linked to a bankruptcy fraud scheme.....C:782

a) **List of judges** to whom Dr. Cordero sent his **November 29** letter with attachments .....C:783

Attachments:

b) Sample of Dr. Cordero’s personalized **request of November 29, 2004, to Judge Katzmann and each of the other judges** to make a **report** under 28 U.S.C. §3057(a) [C:405] **to the Acting U.S. Attorney General** that an **investigation** should be had in connection with offenses against U.S. bankruptcy laws.....C:785

i) Table of Contents .....C:785

ii) Table of Exhibits.....C:802

91. Circuit Executive **Milton’s** letter of **December 13, 2004, to Dr. Cordero returning** on behalf of CA2 Judge Jose **Cabranes** his October 14 (C:717) and November 29 **letters** (C:782) and request (C:785), and stating that “you have exhausted your remedies and therefore, you have no further recourse to pursue those matters before the Judicial Council...I advise you to direct your inquiries to other agencies if you feel that they may be of assistance to you.” .....C:811

92. Letter of Chief Judge Edward R. **Korman**, EDNY, of **January 27, 2005**, replying **to Dr. Cordero’s** November 29 letter (C:782) that “The subject matter of your complaint relates to proceedings in the Western District of New York and as to which I have no personal knowledge” and **suggesting** that he file a **complaint** with the U.S. **Attorney’s Office, WDNY** ..... C:812

**G. Appeal to the Judicial Conference of the U.S. from the denials by the Judicial Council of the petitions for review of the dismissals of the complaints against Judge Ninfo and C.J. Walker**

93. **Title page** of Dr. Cordero’s **petition of November 18, 2004, to the Judicial Conference** for review of the denials by the Judicial Council, 2<sup>nd</sup> Cir., (C:672, 781) of his petitions for review (C:551, 711) concerning the dismissals (C:145, 391) of his complaints no. 03-8547 and 04-8510, CA2 (C:63, 271).....C:821

i) List of **members** of the **Judicial Conference** to whom Dr. Cordero sent a copy of his November 18 petition for review .....C:822

a) Dr. **Cordero’s** **petition of November 18, 2004, to the Judicial Conference** for **review of the denials by the Judicial Council, 2<sup>nd</sup> Cir.**, of his petitions for review of the dismissals by the CA2 Acting



Chief Judge Dennis Jacobs of his complaints against Judge Ninfo, WBNY, and Chief Judge Walker, CA2.....C:823

    i) Table of Contents .....C:824

    ii) **Table of key documents and dates in the procedural history** of Dr. Cordero’s judicial misconduct complaints (updated at T0E:C107) .....C:844

    iii) Table of Exhibits.....C:845

94. Sample of Dr. **Cordero’s letters of November 20 and 27, 2004, to Chief Justice William Rehnquist** and each of 25 other **members** of the **Judicial Conference, accompanying** his review **petition** and requesting that each move the Conference to consider the petition formally and make a report under 18 U.S.C. §3057(a) [C:405] to the Acting U.S. Attorney General of the evidence of an offense against the bankruptcy laws .....C:851

    a) Table of **contact information** about the members of the **Judicial Conference** to whom Dr. Cordero addressed his letters of November 20 and 27, 2004, and information on how to update it to the current membership and to find the **Internet links to all federal courts**.....C:852

95. Dr. **Cordero’s letter of November 26, 2004, to U.S. Supreme Court Justice Ginsburg as Circuit Justice** for the Second Circuit, accompanying his November 18 **petition** to the **Judicial Conference** for review (C821), and requesting that she a) intimate to the Conference to consider it; b) suggest to Justice Stephen Breyer to study this case in the Judicial Conduct and Disability Act Study Committee; and c) make a report under 18 U.S.C. §3057(a) [C:405] to the Acting U.S. Attorney General of the submitted evidence of bankruptcy fraud .....C:855

96. Reply of Bradford A. **Baldus, Senior Legal Advisor** to Marcia M. Waldron, Clerk of the U.S. **Court of Appeals for the Third Circuit, of December 3, 2004, returning** Dr. Cordero’s November 18 and 20 petition (C:821) and letter (C:851) to Chief Judge Anthony J. Scirica, and stating that **‘only submissions** accepted for filing **by the Administrative Office** may be **considered by** the **Judicial Conference** and, otherwise, a **member** of it has **no authority to** informally **intervene** in regard to the matters addressed in Dr. Cordero’s submission’ .....C:856

[**Comment:** Who can possibly believe that a person, and all the more so if in a position of authority, cannot -let alone would not take the initiative even for personal reasons to- approach a colleague, whether formally or informally, to ask or suggest that he or she take a certain action, especially one that flows from a legal duty imposed on both of them? (cf. T0E:C>C:1119 and >C:1124)

When a senior legal advisor and a clerk of court allow themselves to make a statement so patently at odd with reality, do they reveal thereby a problem with their professional competence or rather a manifestation of the exercise by their superior, that is, the chief judge in particular and federal judges in general, of judicial power unfettered by any self-discipline or outside supervision and control?]

- 97. Form letter of William K. **Suter, Clerk of the Supreme Court** of the United States, by M. **Blalock**, of **December 6**, 2004, **returning** to Dr. Cordero his November 18 and 26 petition (C:821) and **letter (C:851) to Justice Ginsburg, and stating** that ‘the Court’s jurisdiction extends only to cases and controversies and that the **Court does not give advice** or assistance or answer legal questions on the basis of correspondence’ .....C:857

- 98. Reply of Mr. Leo M. **Gordon, Clerk of the U.S. Court** of International Trade, of **December 9**, 2004, returning to Dr. Cordero his November 18 and 27 petition (C:821) and letter (C:851) to **Chief Judge Jane A. Restani**, and stating that although a member of the Judicial Conference, Judge Restani “is not authorized to take any action on her own on such matter unless it is referred to her directly by the Conference” .....C:858

[**Comment:** Neither the Conference nor anybody else has to authorize a judge to discharge his or her duty under 28 U.S.C. §3057(a) (C:405) to report to a U.S. attorney a belief, not even evidence, that a violation of a bankruptcy law has been committed. What was the motive of these judges for giving precedence to their relation to other members of their powerful class, namely, that of federal judges inside and outside the Conference, over their duty imposed on them by the law of Congress and the oath they took to apply it?]

- 99. Letter from Robert P. **Deyling, Esq.**, Assistant General Counsel at the General Counsel’s Office of the Administrative Office of the U.S. Courts, of **December 9**, 2004, **stating that no jurisdiction lies for further review by the Judicial Conference** of the orders of the Judicial Council dismissing Dr. Cordero’s petition for review of the dismissals of his complaints.....C:859

[**Comment:** Mr. Deyling does not reveal any awareness that Dr. Cordero’s petition contains a detailed jurisdictional argument (C:825§II). That argument was for the Conference to evaluate and determine its implication for the petition, not for Mr. Deyling in his capacity as clerk of Conference. (C:865)]

- 100. Fax of December 13, 2004, from John K. **Rabiej, Chief of the Rules Committee Support Office** at the Administrative Office of the U.S. Courts providing a complete set of requested rules.....C:861

- a) **Rules of the Judicial Conference of the United States for the Processing of Petitions for Review** of Circuit Council Orders under the Judicial

Conduct and Disability Act [of 1980] .....C:862

[**Comment:** These rules are current even though they still refer to 28 U.S.C. §372(c), the old legal basis for misconduct proceedings, rather than the current basis at 28 U.S.C. §351. The latter forms part of 28 U.S.C. Chapter 16, enacted by Pub. L. 107-273, Div. C, Title I, Subtitle C, §11044, Nov. 2, 2002, 116 Stat. 1856, which amended §372.

The failure to update those rules even after two years by December 2004, shows how little the Judicial Conference has used them. Indeed, at that time it had only issued 15 orders in the 24 years since the adoption of the Judicial Conduct and Disability Act of 1980 (C:1611, 682). Only a person motivated by a powerful incentive could pretend to believe or try to make others believe that in 24 years there were only 15 complaints from all the complainants in the whole of the United States deserving of a decision by the Judicial Conference. What could that incentive be? (cf. C:837§B; A:1662§D)

101. **Sample of Dr. Cordero’s letters of December 18, 2004, to Chief Judge Haldane Robert Mayer, Federal Circuit, and other members of the Judicial Conference objecting to the December 9 letter of Mr. Deyling (C:859) and stating that as the equivalent of a clerk of court at the Administrative Office on behalf of the Judicial Conference, Mr. Deyling lacks authority to pass judgment on a jurisdictional issue, let alone block a petition for review from reaching the Conference; and requesting that they withdraw or cause the withdrawal of his letter and cause the Administrative Office to forward the petition to the Conference for its review .....C:865**

- a) **List of members of the Judicial Conference to whom Dr. Cordero sent his December 18 letter of objection .....C:872**

102. **Clerk Gordon’s reply of December 23, 2004, returning to Dr. Cordero his November 18 review petition (C:821)and December 18 letter (C:865) to Chief Judge Restani, and stating that Judge Restani has no authority to take action on her own [cf. C:858], and that Dr. Cordero has not met the conditions to permit review of his matter by the Judicial Conference .....C:875**

[**Comment:** The fact that in over a quarter century since the adoption of the Judicial Conduct and Disability Act of 1980 (28 U.S.C. §351) only 15 complaints (C:682, 1611) have ,met those conditions’ shows that federal judges inside and outside the Judicial Conference have intentionally made up those conditions so as to systematically prevent complainants from having their complaints and their treatment by councils and chief judges reviewed by the Conference. (cf. C:840§IV; ToEC:>C:973 and Comment; <http://www.uscourts.gov/judbus2005/tables/s22.pdf>)]

103. **Letter of Mark J. Langer, Clerk of the U.S. Court of Appeals for the District of Columbia Circuit, of December 27, 2004, returning to Dr. Cordero his November 18 review petition (C:821) and December 18 letter (C:865) to**

**Chief Judge Douglas H. Ginsburg**, and stating that the latter “does **not have the authority to grant the relief** sought” [cf. C:858 above] .....C:876

104. **Sample of Dr. Cordero’s letters of January 8, 2005, to Judge Ralph K. Winter, Jr.**, and other judicial and administrative officers to request that a) Mr. **Deyling’s letter** of December 9, 2004 (C:859) **be declared ultra vires and withdrawn**; b) the **petition** for review of November 18 (C:821) **be forwarded to the Judicial Conference and its handling** at the Administrative Office of the U.S. Courts **investigated**; and c) a **report** of the evidence of a judicial misconduct and bankruptcy fraud scheme **be made to the Acting U.S. Attorney General** under 18 U.S.C. §3057(a) [C:405] .....C:877

I. Attachments:

a) Table of the Accompanying Document and Exhibits .....C:880

1. Statement of Facts of December 18, 2004, and **Request of January 8, 2005**, for an **investigation** into both the Administrative Office of the U.S. Courts’ **rules-noncomplying handling** of the **petition** for review under 28 U.S.C. §351 et seq., submitted to the Judicial Conference on November 18, 2004 (C:821) **and the Office’s treatment of** Petitioner Dr. Richard **Cordero**.....C:881

2. **Key Documents and Dates** in the procedural history as of January 8, 2005, of the judicial misconduct complaints filed with CA2 Chief Judge John M. Walker, Jr., and the Judicial Council of the Second Circuit, dockets no. 03-8547 and no. 04-8510, submitted in support of the petition for review to the Judicial Conference of the United States [updated to May 22, 2006 at TOEC:1007] .....C:886

II. List of addressees and their addresses ..... C:887

a) Chief Judge Carolyn Dineen **King**, Court of Appeals for the 5<sup>th</sup> Circuit and **Chair** of the **Executive Committee** of the Judicial Conference;

b) Circuit Judge Ralph K. **Winter**, Jr., Court of Appeals for the Second Circuit and **Chair** of the **Committee to Review** Circuit Council Conduct and Disability Orders; and

c) William R. **Burchill**, Jr., Associate Director and **General Counsel** of the Administrative Office of the U.S. Courts.

105. Letter of **District Judge** Lawrence P. **Zatkoff**, U.S. District Court for the Eastern District of Michigan, of **January 12, 2005, to Dr. Cordero** stating that he received Dr. Cordero’s documents of November 20, 2004 (C:851) which include the review petition to the Judicial Conference, but that the

Judge is unable to present them to the Conference as requested because **his term on the Conference expired** on 2004 .....C:889

[**Comment:** However, his duty under 28 U.S.C. §3057(a) (C:405) did not expire and he, like all his colleagues, could and should have reported the evidence of a bankruptcy fraud scheme to the U.S. Attorney General.]

106. Sample of Dr. **Cordero's** letters of **February 7, 2005**, with supporting files stating that he has received **no response** to his letter of January 8 (C:877) and **requesting** that **action** be taken on that letter and its request; sent to:

- a) Circuit Judge Ralph K. **Winter**;
- b) General Counsel William R. **Burchill** .....C:890

- c) Chief Judge Carolyn Dineen **King**, to whom Dr. **Cordero** complained that he was told by the Office of the Executive Committee of the Judicial Conference, (202) 502-2400, that his January 8 letter to her (C:877) would have been forwarded to the Office of the General Counsel, William Burchill, Esq.; so he **questioned** the **reasonableness of forwarding** a letter of **complaint** about Mr. Burchill's Office **to the complained-about person** in charge of that Office.....C:891

107. Judge **Winter's** letter of **February 15, 2005**, to Dr. **Cordero** stating that the **Judicial Conference** does **not** have **jurisdiction** for further review of his complaints.....C:893

[**Comment:** Judge Winter refused to allow the whole Judicial Conference Committee to Review Circuit Council Conduct and Disability Orders, which he chairs, to consider Dr. Cordero's jurisdictional arguments (C: 825§II, 865, 881). Thereby he took it upon himself to decide for the whole Committee, thus excluding even the possibility that other Committee members might have a different view of the matter or even be persuaded by Dr. Cordero's arguments to refer the petition to the Conference. His refusal was all the more unjustifiable because in the entire history of the Judicial Conduct and Disability Act of 1980 the Conference has not made a single pronouncement on the scope of its jurisdiction, as shown by the meager 15 orders that it had issued during all that time (C:681-683, 1611). Therefore, the Conference had never considered the arguments presented by Dr. Cordero in favor of exercising jurisdiction over his review petition of November 18, 2004 (C:823).]

108. Chief Judge **King's** letter of **February 18, 2005**, by Clerk Charles R. Fulbruge, III, and signed by Deputy Clerk Nancy H. Gray replying to Dr. **Cordero's** letters of November 20 and December 18, 2004, (C:821, 865) and February 7, 2005 (C:890), and stating conclusorily that the **Judicial Conference** does **not** have **jurisdiction** once a judicial **council** has denied a petition for review because such **denial** is under 28 U.S.C. §352(c) "**final**

**and conclusive** and shall not be judicially reviewable on appeal or otherwise”.....C:896

[**Comment:** Just as Mr. Deyling failed to do (C:859), Chief Judge King’s responder failed to reveal even a mere awareness that Dr. Cordero’s petition contains a detailed jurisdictional argument (C:825§II). Hence, in neither case was there a discussion of his points of law and practical considerations militating in favor of the Judicial Conference passing judgment itself on the scope of its own jurisdiction as a step preceding the exercise of such jurisdiction by reviewing the petition.]

109. Dr. **Cordero’s** letter of **March 7, 2005, to Chief Justice Rehnquist** requesting that he **cause** the **Judicial Conference** to **pass judgment on** the threshold issue of **jurisdiction** to review his petition for the reasons argued in the petition itself (C:823) as well as in the accompanying:.....C:897

i) Table of Contents .....C:898

a) **ADDENDUM** of March 7, 2005, **to the Petition’s** section II “The Judicial Conference Has Jurisdiction Over This Appeal Because The Complainant Was “Aggrieved” under 28 U.S.C. §357(a) By The Judicial Council”, to request that the Conference consider the threshold argument for taking jurisdiction over the Petition of November 18, 2004 (C:823) .....C:899

b) Dr. **Cordero’s motion** of **February 17, 2005, to request** that Judge John C. **Ninfo, II, WBNY, recuse himself** under 28 U.S.C. §455(a) due to lack of impartiality.....C:905

i) Table of Contents .....C:906

ii) Table of References .....C:933

110. Dr. **Cordero’s letter** of **March 24, 2005, to Judge Winter** requesting that he formally submit to the other members of the Committee as well as to the Judicial Conference the following attachment:.....C:935

a) Dr. **Cordero’s Reply** of **March 25, 2005, to the Chairman** of the Committee for the Review of Circuit Council Conduct and Disability Orders on the statutory requirement under 28 U.S.C. §331 for the **whole Committee to review** all petitions for review to the Judicial Conference and on the need for the **Conference to decide** the issue of **jurisdiction** .....C:936

i) Table of Contents .....C:937

ii) Table of Exhibits.....C:950

7. Dr. Cordero’s Statement of March 12, 2005: Judge **Ninfo’s bias** and **disregard for legality** can be heard from his own mouth through the **transcript** of the evidentiary **hearing** of the DeLano Debtors’ motion to disallow Dr. Cordero’s

claim against Mr. DeLano, held on **March 1, 2005**; and can be read about in a caveat on ascertaining its authenticity that illustrates the **Judge’s tolerance of wrongdoing** .....C:951

[See that transcript in the Tr file in the D Add Pst Tr folder.]

(a) Table of Contents .....C:951

111. **Sample** of Dr. **Cordero’s** letters of **March 26, 2005**, to Judge Pasco M. **Bowman** and the other **members** of the Judicial Conference Committee to Review Circuit Council Conduct and Disability Orders, requesting that they **cause** the **Committee** as a whole to consider Dr. Cordero’s arguments for having the petition for review forwarded to the Judicial Conference and deferring to it the determination of the threshold issue of the scope of the Conference’s own jurisdiction.....C:967

a) **List of Committee Members** to whom Dr. Cordero sent his March 24 (C:935) and 26 letter with his March 25 Reply to the Chairman (C:936).....C:968

b) **Table of Exhibits** of the March 26 letter to Committee members .....C:969

112. Dr. **Cordero’s** letter of **March 28, 2005**, to Chief Justice **Rehnquist** requesting that he have the **Conference** request the Review Committee to submit to it Dr. Cordero’s petition so that the Conference may **decide** the issue of **its own jurisdiction** under the Judicial Conduct and Disability Act and eventually decide the petition .....C:971

113. Reply for Judge Dolores K. Sloviter, Member of the Review Committee, by Bradford A. **Baldus**, Senior **Legal Advisor** to Marcia M. Waldron, Clerk of the U.S. **Court of Appeals** for the **Third Circuit**, of **April 26, 2005**, **returning** Dr. Cordero’s March 26 (C:967) letter and supporting documents (cf. C:969) **and** stating that “Any submissions to the Judicial Conference of the United States, or a committee thereof, must be made to the appropriate individual in the **Administrative Office** of the U.S. Courts.” ..... C:972

[**Comment:** However, the Administrative Office will withhold such submissions and not forward them to the intended body or officer (T0EC:>C:859, 891) and will not take any action on even a petition addressed to it ((T0EC:>C:685)]. Do judges and their clerks know the uselessness of such advice but nevertheless give it in order to get rid of a complainant by giving him the round around? (cf. C:812)

114. **1997-2005 Reports of Complaints** Filed and Action Taken Under Authority of 28 U.S.C. §§351-364 and 372(c) During the 12-Month Period Ending September 30, [of the year reported on], in Judicial Business of the United States Courts, **Annual Reports of the Director**, by Leonidas Ralph Meham, Director of the **Administrative Office** of the U.S. Courts, <http://www.uscourts.gov/judbususc/judbus.html> .....C:973

115. **Supreme Court’s 2005 Year-end Report** on the Federal Judiciary..... C:980.k

<http://www.supremecourtus.gov/publicinfo/year-end/2005year-endreport.pdf>

116. Judicial Facts and Figures, published by the Administrative Office of the U.S. Courts ..... C:980.t

<http://www.uscourts.gov/judicialfactsfigures/contents.html>

- a) Table 1. Total Judicial Officers. Courts of Appeals, District Courts, Bankruptcy Courts..... C:980.w
- b) Table 2.1. U.S. Courts of Appeals (Excludes Federal Circuit). Appeals Filed, Terminated, and Pending, Summary of 1990-2005 .....C:980.x

[**Comment:** The statistics of workload of the courts contained in the **Supreme Court’s 2005** Year-end Report on the Federal Judiciary (C:980k) show that there were **7,496 case filings** in the 2004 Term. Only 9 justices managed to hear oral argument in 87 cases and to dispose of 85 in 74 signed opinions. (C:980.q; for the 2000-2004 workload statistics see A:1965)

The Report goes on to state that „**Filings in the regional courts of appeals rose 9 percent to an all-time high of 68,473**, marking the 10th consecutive record-breaking year and the 11th successive year of growth.“ (C:980r) That steady growth started **from 40,893 cases filed in 1990**, as shown in „Table 2.1. Appeals Filed, Terminated, and Pending (Excludes Federal Circuit) Summary of 1990-2005“, (C:980.x) contained in „Judicial Facts and Figures“ published by the Administrative Office of the U.S. Courts (C:980.t). That Table also shows that **38,961 cases were terminated in 1990** while **61,975 were in 2005**.

The Administrative Office has also published the reports of judicial misconduct **complaints filed** in the period beginning on October 1, 1996 and ending on September 30, 2005. (C:973-980.j) It covers not only the regional courts of appeals, including the Federal Circuit, but also two national courts, that is, the Court of Claims and the Court of International Trade, for a total of 15 courts. It shows that for the administrative year ending on September 30, **1997, 679** complaints were filed. (C:980.i) However, in the year ending on September **2005, only 642** complaints were filed. (C:973) So today there are fewer complaint filed with 15 courts against judges than nine years ago and there is less than one complaint out of every 100 cases that „**disappointed litigants**“ appeal to just 12 courts. That is *unbelievable!*

So a society that has shown to become dramatically more litigious toward everybody, excluding judges, has become less contentious toward 2,133 circuit, district, and bankruptcy judges. Oh, judges!, ever so civil, patient, and understanding of one’s point of view. (C:980.w) How ridiculous!, particularly since that same society is ever more prone to road rage, school shootings, and violence against judges, as shown „**by the horrific murders of a U.S. District Court judge’s husband and mother by a disappointed litigant**, and the terrible incident in Atlant in which a judge,



court reporter, and deputy were killed in the Fulton County courthouse“, as stated by the Supreme Court in the same 2005 Year-End Report (C:980.l)

What is more, the judicial councils took no action on any of those complaints but one kind: dismissal. So they **dismissed 212 complaints in** the administrative year **1997** (C:980.j) only to increase their dismissals to **267** out of a smaller total of complaints **in 2005** (C:974).

This is not just preposterous; this is a pattern where the last nine years are representative of the last 25 since the enactment of the Judicial Conduct and Disability Act of 1980 (C:576, 1384). It is the pattern of intentional and coordinated disregard by chief judges of the courts of appeals and the judges of the judicial councils of an Act of Congress inimical to their interests as a class of people, the abrogation in practice of the only legislation disciplining the only people above the law: federal judges. It has led to only 15 Conference orders since 1980 (C:682, 1611)

Why would officers sworn to apply the law „without respect to persons“ ([28 U.S.C. §453](#)) disregard their oath when it comes to applying the law in a disciplinary setting to their own peers, which redounds to the detriment of all the complainants to whom they thereby denied the relief that they were seeking and entitled to?

In light of the evidence and taking account of the dynamics of webs of personal relationships, two reasonable answers to that question present themselves. One derives from the determination of judges to exempt themselves from the principle, to which everybody else is subject, that if the judges reviewing the complaints have themselves engaged in the type of conduct complained about, then if they were to declare it unbecoming of a judge and deserving of discipline, they would be incriminating and exposing themselves to being the target of the same discipline.

The other answer is that judges disregard complaints against their peers in order to avoid their retaliation. So if today they were to pay any attention to a complaint, not to mention set up a special committee or call in a standing committee under [28 U.S.C. §§353\(a\)](#) and [356\(b\)](#), respectively, to examine the complained-about judge, then if tomorrow they were the subject of a complaint, the formerly investigated judge or his friends, allies, and accomplices would take the opportunity to retaliate by investigating them and perhaps even going so far as disciplining them.

Such conduct involves judging ‚with‘ regard to persons, contrary to their oath of office. It illustrates the axiomatic principle that due to inescapable grave conflict of interests, one cannot sit in judgment of oneself or of those in one’s web of personal relationships. Judges do and the result is that they act in self-interest, taking the easy, unprincipled way out in dereliction of duty and to the detriment of complainants and the integrity of judicial process.

„Big deal! Why would we judges ever indispose ourselves with our

peers with whom we will spend the rest of our professional lives as Article III life-term appointees or renewal 14-year term bankruptcy judges? Why create for ourselves an avoidable hostile work environment and the repellant reputation of an unreliable class traitor just because one Joe or Jane thought in their very impeachable judgment that a judge had misbehaved or even broken the law? Who cares! Let them deal with it for the short time they will be upset! They will get over it, trust us!, since we judges are the last resort of those complainants.’

Such is the mentality arising from the dynamics of a web of personal relationships whose members are endowed with unappellable judicial power. It rests on a judicial system of self-discipline inherently flawed: Federal judges have no incentive to do what is right but inimical to themselves because they do not have to fear any adverse consequences of doing what is wrong. Consequently, they have taken out of service the machinery of judicial discipline that they are supposed to run. However, that does not mean that they are idle. Far from it, the evidence shows, as further discussed in the next sections, that they operate or tolerate the operation of a bankruptcy fraud scheme.]

- 117. 2003 Annual Report of the Court of Appeals, 2<sup>nd</sup> Circuit..... C:980y-1
- 118. United States Courts, Second Circuit Report 2004 ..... C:908z-1

**H. Comments in response to the invitation by CA2 for public comments on the reappointment of Judge Ninfo to a new term as bankruptcy judge**

- 119. Notice of CA2 **inviting** members of the **bar** and the **public** to submit by March 30, 2005 comments regarding the **reappointment** of Bankruptcy Judges Michael J. Kaplan and John C. **Ninfo**, II, to a new term of office,; posted at the time on CA2’s website <http://www.ca2.uscourts.gov/> .....C:981
- 120. Dr. **Cordero’s** letter of **March 17, 2005, to Second Circuit Executive Karen Greve Milton** in response to the CA2’s invitation to **comment** on the **reappointment** of Judge **Ninfo**.....C:982
  - a) Table of Exhibits .....C:983
    - i) Table of all of Judge Ninfo’s orders in *Pfuntner* and *DeLano* [updated to December 9, 2005] ..... C:984§II
- 24. Dr. **Cordero’s** motion of **October 23, 2003, for Judge Ninfo** to provide a definite statement of which of his oral version of October 16, 2003, or his written version entered in the record on October 17 is the official version of his “Order Denying Recusal and Removal Motions and Objection of Richard Cordero to Proceeding with any Hearings and a Trial on October 16, 2003”).....C:989

25. Judge **Ninfo’s order of October 28, 2003, denying** in all respects Dr. Cordero’s motion for a **definite statement** .....C:991

b) **List of hearings presided over by Judge Ninfo** in *Pfuntner v. Trustee Gordon et al*, docket no. 02-2230, and *In re David and Mary Ann DeLano*, docket no. 04-20280, WBNY, as of March 14, 2005 [updated to December 9, 2005] (cf. C:1278) .....C:993

121. **Sample of Dr. Cordero’s letters of March 18, 2005, to CA2 Judge James L. Oakes** and other judges of the Second Circuit Court of Appeals and Judicial Circuit **commenting against the reappointment** by the CA2 of Bankruptcy Judge **Ninfo** .....C:995

a) Table of Exhibits .....C:996

b) List of **judges to whom** Dr. Cordero sent his March 18 letters .....C:997

122. Dr. **Cordero’s supplement of August 3, 2005, to his March 17 comments against the reappointment** of Judge **Ninfo**, dealing with the refusal of the Judge’s Bankruptcy Court Reporter, Mary Dianetti, to certify that her transcript of her own stenographic recording of the evidentiary hearing on March 1, 2005, would be accurate, complete, and untampered-with; and pointing to the incriminating content of the transcript that would reveal how at that hearing Judge Ninfo disallowed Dr. Cordero’s claim in *DeLano* by becoming the on-the-bench advocate for ‘Bankrupt’ Mr. DeLano and by misusing the hearing as part of an artifice to eliminate Dr. Cordero from the case before he could prove the bankruptcy fraud scheme:

a) Dr. **Cordero’s cover letter of August 4, 2005, to Circuit Executive Milton** requesting that she submit the supplement and its exhibits to the CA2 and the Judicial Council so that they 1) consider in the reappointment process the evidence showing that the series of acts of Judge Ninfo and others in his court of disregard for the law, the rules, and the facts form a pattern of non-coincidental, intentional, and coordinated wrongdoing that supports a bankruptcy fraud scheme and 2) report it under 18 U.S.C. 3057(a) [C:405] to U.S. Attorney General Alberto Gonzales .....C:998

b) List of **judges to whom** Dr. Cordero **sent** the August 3 supplement.....C:999

c) **Sample of Dr. Cordero’s letters of August 4 and 5, 2005, to CA2 Judge Barrington D. Parker** and other **judges** of the Second Circuit Court of Appeals and Judicial Council accompanying the supplement.....C:1000

d) **Supplement of August 3, 2005, to the March 17 comments against the reappointment** of Judge **Ninfo** .....C:1001

i) Table of Contents .....C:1002

ii) Table of Exhibits.....C:1021

123. Circuit Executive **Milton’s** letter of **August 5, 2005**, to Dr. Cordero **returning** his supplementing comments because “the Judges of the Court of Appeals considered all submissions which were filed timely within the public **comment period**. However, that period **expired** on March 30, 2005” .....C:1024

[**Comment:** That statement shows that CA2 and the Judicial Council consider of greater importance to maintain a deadline than to safeguard the integrity of the courts. To discharge their duty to pursue the latter objective, they could have treated comments submitted for a stated purpose as rather “information available to the chief judge of the circuit”, 28 U.S.C. §351(b), to be evaluated on its own merits in order to protect public trust in both the courts and their judges, or as that subsection puts it, to proceed “in the interests of the effective and expeditious administration of the business of the courts”. If appropriate, instead of refusing such information, they could have used it as the basis to “identify a complaint for the purposes of this chapter and thereby dispense with filing of a written complaint”, id.]

124. Dr. **Cordero’s 2<sup>nd</sup> supplement** of September 5, 2005, to his March 17 comments **against** the **reappointment** of Bankruptcy Judge **Ninfo**, bearing on the evidence that as part of a bankruptcy fraud scheme the Judge approved the debt repayment plan of ‘Bankrupt’ **Bank Officer DeLano, who has 39 years of experience in banking and bankruptcies**, despite documentary evidence that Trustee George Reiber had not conducted any investigation of Mr. DeLano and his wife and therefor, could not have cleared them of suspicion of bankruptcy fraud, which nevertheless the Trustee stated pro forma that he had:

a) **Sample** of Dr. **Cordero’s** letters of **September 6, 2005**, to CA2 Judge Reena **Raggi** and other 2<sup>nd</sup> Cir. **judges** stating that circumstantial and documentary evidence points to the participation of **Judge Ninfo** in a bankruptcy fraud scheme and warrants that he **not be reappointed**; and requesting the judges to cause him to be investigated therefor by reporting under 18 U.S.C. 3057(a) [C:405] **to U.S. Attorney General** Alberto Gonzales the evidence provided.....C:1025

b) List of **judges to whom** Dr. Cordero sent his 2<sup>nd</sup> supplement of September 5, 2005.....C:1026

c) 2<sup>nd</sup> **Supplement** of **September 5, 2005**, to comments against the reappointment of Judge Ninfo .....C:1027

    i) Table of Contents .....C:1028

    ii) Table of Exhibits.....C:1047

- 25. **Useful addresses** for the investigation of *In re DeLano*, no. 04-20280, WBNY, and *Pfuntner v. Trustee Gordon et al.*, no. 02-2230, WBNY (see also T<sub>o</sub>E<sub>C</sub>:107).....C:1051
- 26. Chapter 13 Trustee George **Reiber**'s undated "Findings of Fact and Summary of 341 Hearing" together with: .....C:1052
  - (a) Undated and unsigned sheet titled "I/We filed Chapter 13 for one or more of the following reasons:".....C:1054
- 27. Judge **Ninfo**'s **order of August 8, 2005**, instructing **M&T Bank** to **deduct** \$293.08 biweekly **from** his employee, Debtor David **DeLano**, and **pay** it to Trustee **Reiber**.....C:1055
- 28. Judge **Ninfo**'s **order of August 9, 2005**, **confirming** the DeLanos' Chapter 13 debt repayment **plan** upon considering their testimony and Trustee Reiber's Report at the confirmation hearing on July 25, 2005 [D:508d entry 134], and allowing without any trace of a written request even higher attorney's fees in the amount of \$18,005.....C:1056
- 29. Application of **July 7, 2005**, by Christopher K. Werner, Esq., **attorney for the DeLanos**, for **\$16,654 in legal fees** for services rendered in DeLano.....C:1059
  - (a) Att. **Werner**'s itemized **invoice of June 23, 2005**, for legal services rendered in *DeLano*.....C:1060

[**Comment:** The invoice shows that the fees were incurred almost exclusively to avoid production of documents requested by Dr. Cordero, beginning with the entry on April 8, 2004 "Call with client; Correspondence re Cordero objection" and ending with that on June 23, 2005 "(Estimated) Cordero appeal". The documents named in Dr. Cordero's requests (D:63, 87\$VI, 112, 124, 147, 159, 161, 199\$VI, etc., 287, etc.) could prove that the DeLanos had committed bankruptcy fraud, particularly concealment of assets. Hence the DeLanos' determination to make every effort and pay any price to avoid producing those documents...but even the few that they had to produce proved their fraud (C:1435, 1469-1479, 1491-1501; Table of the DeLanos' mortgages at C:105; Add:887\$I).

Interestingly enough, the DeLanos declared in Schedule B (C:1439) that they only had \$535 in cash and on account. Yet, their attorney knew that he could keep working for them and piling up fees because they would be good for **\$16,654**, and Judge Ninfo went even further in his order of August 9, 2005 to allow \$18,005 (Add:941), to which Trustee Reiber added \$9,948 six months later (C:1065). Did these people wonder where the DeLanos would come up with \$28,000 or did they know all along that the DeLanos were not bankrupt at all but on the contrary, were concealing quite a stash of money?]

125. Trustee **Reiber's** list of **December 7, 2005**, of **allowed** claims, which includes an allowance of **\$9,948 for Att. Werner's fees** and forgive 87.39% of DeLanos' debt [as opposed to the 78% stated in the DeLanos' debt repayment plan of January 26, 2004 (D:59)].....C:1064

[**Comment:** What reasonable person, let alone what 'bankrupt' debtor, would be willing and able to pay \$28,000 in legal fees just not to produce financial documents, such as the statements of bank accounts held by Banker DeLano with his employer, M&T Bank? By contrast, he and Mrs. DeLano would pay any legal fee if they knew that producing those and similar financial documents carried the risk of revealing that they had engaged in concealment of assets, which could lead to their facing bankruptcy fraud charges carrying a penalty of up to 20 years in prison and devastating fines under, among others, 18 U.S.C. §§152-157, 1519, and 3057. (see "Text of Authorities Cited")]

126. Circuit Executive **Milton's** letter of **September 16, 2005**, to Dr. Cordero concerning his September 6 communication and stating that the period for **commenting** on the **reappointment** of Judge **Ninfo** to a new term of office **expired** on March 30, 2005, and that "we will no longer accept your comments regarding this matter; we will no longer keep them on file; we will simply discard them" [see comments after C:1024] .....C:1066

**I. Request for referral to the Judicial Conference of a Court Reporter for investigation of her refusal to certify that her transcript would be complete, accurate, and free of tampering influence**

127. Statement of Mary **Dianetti**, Bankruptcy Court Reporter, WBNY, of **March 1, 2005**, of the number of **stenographic paper folds and packs** that she used to record the **evidentiary hearing** of the DeLanos' motion to **disallow** Dr. **Cordero's claim** against Mr. DeLano held that day before Judge Ninfo .....C:1081
128. Sample of Dr. **Cordero's** letters of **August 1, 2005**, to CA9 Chief Judge Mary M. Schroeder, Member of the Judicial Conference of the U.S., and to **other Conference members** informing them of his petition of July 28, 2005, to the Conference, filed with the Administrative Office of the U.S. Courts, and requesting that they **cause** the Conference to place the petition on the **agenda** of its **September meeting** and make a **report** under 28 U.S.C. §3057(a) [C:405] to the U.S. **Attorney General** Alberto Gonzales of the evidence that it contains of a bankruptcy fraud scheme.....C:1082
129. Dr. **Cordero's** **petition** of **July 28, 2005**, to the **Judicial Conference** of the United States, filed with the Administrative Office of the U.S. Courts, for an **investigation** under 28 U.S.C. §753(c) of a court **reporter's refusal** to certify the reliability of her transcript **and** for **designation** under 28

U.S.C. §753(b) of another **individual** to produce it (cf. T<sub>o</sub>E<sub>A</sub>:135§3) .....C:1083

d) Table of Exhibits .....C:1103

8. **Bankruptcy Court’s notice of April 11, 2005, to Dr. Cordero** to request that pursuant to FRBkrP 8006 he **perfect the record of his appeal in DeLano** to the District Court by submitting by April 21 his designation of items, i.e. documents, in that record and his statement of issues on appeal.....C:1106

15. **Bankruptcy Court’s letter of January 14, 2003, to Dr. Cordero** setting **January 27** as the **due date** for filing his **designation of items** in his appeal from Judge Ninfo’s dismissal of his cross-claims against Trustee Gordon in *Pfuntner v. Trustee Gordon et al.* .....C:1107

16. District Judge **Larimer’s scheduling order of January 16, 2003**, in *Cordero v. Trustee Gordon*, no. 03cv6021L, WDNY, **setting a deadline 20 days hence** for Dr. Cordero to file his **appellate brief**.....C:1108

[**Comment:** The period for Dr. Cordero to file his designation of items in *Pfuntner*, presided over by Judge Ninfo, had barely begun to run. So under FRBkrP 8007 the record was incomplete and should not have been transmitted from Bankruptcy Court to Judge Larimer in District Court. Thus, in violation of applicable Rule, both the Bankruptcy Court transmitted the record and District Judge Larimer issued that 2003 scheduling order.

In so doing, they tried to force Dr. Cordero to file his appellate brief before the filing of the transcript of the hearing on December 18, 2002, where Judge Ninfo had summarily dismissed (A:151) Dr. Cordero’s cross-claims against Trustee Gordon (A:83, 88). That transcript, to be made by Reporter Dianetti also, had not even been started. By so coordinating their actions, they tried to exclude it from the record and make it unavailable for Dr. Cordero to take it into consideration when writing his appellate brief and eventually appealing to CA2. As a matter of fact, that transcript (A:263), for which Dr. Cordero first contacted Rep. Dianetti on January 8, 2003, was not mailed to him until March 26, 2003! (A:262) Cf:

- a) Judge Larimer’s order of January 22, 2003, requiring Dr. Cordero to respond to Trustee Gordon’s dismissal motion by February 14, 2003 .....C:1274
- b) Judge Larimer’s order of January 24, 2003 vacating his order scheduling Dr. Cordero’s appellate brief so as to rule on the dismissal motion.....C:1276

This is precedent for their equally coordinated action in 2005: The Bankruptcy Court received on April 21, 2005, Dr. Cordero’s Designation of Items in *DeLano* (Add:686, 690), which is connected to *Pfuntner v. Tr. Gordon et al.*, where Dr. Cordero brought in Mr. DeLano as a third party defendant, who due to that claim against him named Dr. Cordero among his creditors (C:598). Such Designation could not constitute a complete record since the time had just begun for the DeLanos to submit their additional items (FRBkrP 8006), which they did not file until May

(Add:711). Yet, the Bankruptcy Court transmitted it on the same day of its receipt to District Judge Larimer (Add:687), who sits upstairs in the same small federal building, which so facilitates the development of a web of personal relationships and coordination. The next day, April 22, he issued a similar scheduling order requiring Dr. Cordero to submit his appellate brief in *Cordero v. DeLano*, no. 05cv6190, WDNY, within 20 days (Add:692).

By so doing, they intended to force Dr. Cordero to write and file his appellate brief before he could obtain from Reporter Dianetti the transcript of the evidentiary hearing on March 1, 2005. That is an incriminating transcript, for it shows how on that occasion and all but sure that it would not be made available to Dr. Cordero timely, if at all, Judge Ninfo conducted himself as Mr. DeLano's chief advocate to reach the predetermined result of disallowing Dr. Cordero's claim on Mr. DeLano, thereby eliminating him from *DeLano* before he could obtain documents to prove the DeLanos' concealment of assets and a bankruptcy fraud scheme supported by Judge Ninfo and others. (Pst:1266§E) That transcript (Rep. Dianetti's PDF file and the file scanned from her hardcopy) was not filed by the Reporter until November 4, 2005 (Add:1071) seven months after it was first requested! (Add:681; T0EC:55>1271>Comment 2<sup>nd</sup>¶) This establishes a pattern of intentional, coordinated unlawful action among judges, their staffs, and bankrupts.

21. List of **Hearings and Decisions** presided over or written by Judge **Ninfo**, in *Pfuntner and DeLano*, as of July 27, 2005 [updated to May 10, 2006 (D:496; Add:531; Pst:1181)].....C:1110

a) **List of members of the Judicial Conference** to whom Dr. Cordero sent his August 1 letter (C:1082) with a copy of the July 28 petition (C:1083) for the investigation and replacement of Reporter Dianetti.....C:1115

130. Dr. **Cordero's** letter of **August 6, 2005, to CA5 Chief Judge Carolyn Dineen King**, Chairperson of the **Executive Committee** of the Judicial Conference, informing her of his phone conversation with **Robert P. Deyling**, Esq., Assistant General Counsel at the Administrative Office, who refused to forward to the Conference the July 28 petition (C:1083) concerning Court Reporter Dianetti; and requesting that she, as chair of the Executive Committee, retrieve the five copies of the petition from Att. Deyling and submit the petition to the Conference.....C:1117

a) Copy of Dr. **Cordero's** letter of August 1, 2005, to **Executive Committee** Chair King at her CA5 address informing her of his petition for the Conference to investigate and replace a court reporter .....C:1118

131. Letter of **August 8, 2005, for Chief Judge Douglas H. Ginsburg, U.S. Court of Appeals for the District of Columbia Circuit**, by Clerk of Court **Mark J. Langer** to Dr. Cordero stating that "The agenda of the Judicial Conference of the United States is developed through the actions of the Executive Committee of the Conference upon recommendations submitted by



other Judicial Conference Committees, not through the action of individual Chief Judges. Therefore, Chief Judge Ginsburg cannot assist you further in this matter” [cf. ToEC:>C:856 and comments thereunder, and ToEC:>C:1124] .....C:1119

- 132. **Unsigned letter** from the **Administrative Office** of the U.S. Courts of August 8, 2005, with only “Office of the General Counsel” typed at the bottom of it, to Dr. Cordero stating that “The Administrative Office cannot intervene in, or comment upon, a court’s disposition of any proceeding and cannot address the court on behalf of a private party...we would ask you to please cease sending further correspondence to this agency about this matter...we are returning your documents.” .....C:1120

[**Comment:** As a matter of fact, Dr. Cordero did not request any assistance from the Administrative Office or the General Counsel’s Office except that implied in his mailing the petition to the Judicial Conference to the address of the Administrative Office in its capacity as “clerk of the Conference” with the expectation that the Office would simply note the date of its receipt, thereby effecting its filing, and forward it to the members of the Conference.

The Office of the General Counsel should have known better than to send an unsigned letter. If the sender(s) of that August 8 letter did not want to take responsibility for its contents by signing it so that they anonymously hid behind the impersonal name of an entity, why should the receiver, Dr. Cordero, take heed of it?]

- 133. Form letter of William K. **Suter, Clerk of the U.S. Supreme Court, by M. Blalock, of August 11, 2005, returning** to Dr. Cordero his **letter** of August 1 to Chief Justice Rehnquist (cf. C:1082) and the July 28 petition to the Judicial Conference (C:1083), and stating that “Under Article III of the Constitution, the jurisdiction of this Court extends only to the consideration of cases or controversies properly brought before it from lower courts...The Court does not give advice or assistance or answer legal questions on the basis of correspondence” .....C:1121

- 134. Dr. **Cordero’s** letter of **August 30, 2005, to Chief Justice Rehnquist**, as the Judicial Conference’s presiding member, protesting that anybody who had bothered to read his August 1 letter (C:1082) or the July 28 petition to the Conference (C:1083) would have realized that neither had anything to do with the Constitution or a case appealed to the Supreme Court, but rather they dealt with the Conference’s duty to deal under 28 U.S.C. §753 with complaints against court reporters and every judge’ duty to report under §3057(a) [C:405] evidence of bankruptcy fraud; and requesting “that you handle the Supplement [C:1127] and the Petition so that the Conference acts upon them to ensure judicial integrity” .....C:1122

- 135. Dr. **Cordero’s** letter of **August 30, 2005, to CA5 Chief Judge Carolyn Dineen King, Chairperson of the Executive Committee** of the Judicial Conference, noting that from the **judges’ responses** to his petitions to the

Conference (C:823, 865; 899, 971, 1083) a **pattern** has emerged showing that judges avoid investigating one another and to that end will resort to **indifference to official corruption, cursory reading, and disingenuous answering**. .....C:1123

136. Dr. **Cordero's** letter of **August 31, 2005, to Chief Judge Ginsburg** of the District of **Columbia Circuit**, protesting that the response for the Chief Judge of August 11 "tries to make one believe that a circuit chief judge cannot forward to a colleague who is the chairperson of a Conference committee a petition within its jurisdiction with a note "for any appropriate action" even though the evidence shows that the reporter's refusal is part of a bankruptcy fraud scheme pointing to official corruption" (cf. T<sub>o</sub>E<sub>C</sub>:>C:856 and >C:1119); and providing a supplement to the petition.....C:1124

137. **Sample** of Dr. **Cordero's** letters of **August 30 and 31, 2005, to Chief Judge Paul R. Michael**, U.S. Court Appeals for the **Federal Circuit**, and to other members of the Judicial **Conference** requesting each to handle the accompanying supplement to the July 28 petition (C:1083) so that the Conference may act upon both to ensure judicial integrity; and asking each to refer those documents under 18 U.S.C. §3057(a) [C:405] to Att. Gen. Alberto Gonzales for investigation of a bankruptcy fraud scheme .....C:1125

a) **Supplement** of August 30, 2005, to the July 28 petition (C:1083) **providing additional evidence** of how the reporter's refusal to certify her transcript's reliability forms part of a **bankruptcy fraud scheme**:  
 1) The debt repayment plan of a debtor, Mr. DeLano, who has spent 32 years in banking [and 7 years in financing] and is currently in charge of bankruptcies of his bank's clients, was confirmed by Judge Ninfo upon the allegation of the Standing Chapter 13 Trustee George Reiber of having conducted an investigation that found no bankruptcy fraud on the part of the joint DeLano debtors. Yet, the very "Report" thereon produced by the Trustee and relied on by the Judge [C:1052-1054] as well as the Trustee's conduct since the commencement of the case in January 2004, contain the evidence showing that he **never** undertook any such **fraud investigation** and, on the contrary, avoided it. [cf. D:79§I&II, 92§C, 193]

2) However, the Trustee knows that he is so secure in his position that he never bothered to oppose any of the motions for his removal that were raised before both Judge Ninfo and District Judge David Larimer, WDNY, who must keep protecting him out of self-preservation (D:198§V, 243¶34d; Add:881, 974¶60.4), 1062¶66b; Pst:1306¶123d) Reporter Dianetti too must support the scheme by avoiding production to Dr. Cordero of the transcript and its incriminating contents (T<sub>o</sub>E<sub>C</sub>:46>C:1083 and Comment). .....C:1127

i) Table of Contents .....C:1129

- ii) Table of Exhibits.....C:1147
  - b) Alphabetical **table of members** of the Judicial Conference to whom Dr. Cordero sent the Supplement of August 30, 2005 .....C:1151
138. Letter of **October 6, 2005**, for Executive Committee Chair C. J. **King** by Clerk Charles R. Fulbruge, III, and signed by Deputy Clerk Nancy H. Gray **to Dr. Cordero** stating that “the Judicial **Conference** of the United States does **not have jurisdiction** to review a **complaint against** a court **reporter**” because that is the responsibility of the court-designated supervisor of reporters; and **referring Dr. Cordero to Reporter Contracting Officer Melissa Frieday** .....C:1152
- [**Comment:** What an extraordinary excuse for inaction! Indeed, Congress imposed upon the Judicial Conference the responsibility for court reporters by providing at 28 U.S.C. §753 that “The qualifications of such reporters shall be determined by standards formulated by the Judicial Conference. Each reporter shall take an oath faithfully to perform the duties of his office.”
- The excuse above implies that the Conference delegated the exercise of such responsibility to courts and court-designated supervisors of reporters...and that by so doing, it removed all of them beyond the scope of its jurisdiction! But that flies in the face of the well established principle, rooted in common sense, that he who is charged with a duty and delegates its discharge to another, retains the authority to ask the delegatee for an accounting of her discharge of it and also remains responsible for the fulfillment of the duty to the one who imposed it in the first place. Delegation of a duty is not a means to escape responsibility for it. Otherwise, a situation arises where nobody is responsible for anything to anybody...which is what happened, as shown next.]
139. Dr. **Cordero’s letter of October 18, 2005**, to Court Reporter **Contracting Officer** Melissa Frieday, stating in the first sentence that he had been **referred to her by the Chair of the Executive Committee of the Judicial Conference**; and **requesting** that she **replace Reporter Dianetti** in preparing the transcript, investigate her refusal to certify its reliability, and refer the matter to U.S. Attorney General Alberto Gonzales .....C:1153
- Exhibits
- a) Dr. **Cordero’s request of April 18, 2005, to Bankruptcy Court Reporter Mary Dianetti to estimate the cost of the transcript and state the count of stenographic folds and packs** that make up the recording of the evidentiary hearing on March 1, 2005, of the DeLanos’ motion to disallow Dr. Cordero’s claim.....C:1155
  - b) Rep. **Dianetti’s reply of May 3, 2005, to Dr. Cordero failing to state the folds and packs count** because “The information you requested regarding how many packs of paper and the number of folds was given to you after the hearing was completed.” .....C:1156

- c) Dr. Cordero’s letter of **May 10, 2005, to Rep. Dianetti requesting again** that she “**state how many packs** of stenographic paper and how many **folds** in each pack **constitute** the whole of your **recording**” .....C:1157
  - d) Rep. **Dianetti’s** letter of **May 19, 2005, to Dr. Cordero failing again to state the count** of folds because “you were provided with the number of packs of stenographic paper and number of folds used for the hearing following the conclusion of that hearing on March 1, 2005, therefore, I trust you already have that information” .....C:1158
  - e) Dr. **Cordero’s** letter of **May 26, 2005, to Rep. Dianetti requesting** that she **state** the number of folds and packs “that comprise the whole recording of the evidentiary hearing and that will be **translated into the transcript**” .....C:1160
  - f) Rep. **Dianetti’s** letter of **June 13, 2005, to Dr. Cordero** restating the numbers already given at the hearing and emphasizing that “am just giving you those exact numbers at this time”, thereby making a suspicious difference between those numbers and number of folds and packs that will be used to prepare the transcript; yet she must have known and used the latter to estimate the transcript cost.....C:1161
  - g) Dr. **Cordero’s** request of **June 25, 2005, to Rep. Dianetti** to agree to certify that the transcript will be accurate, complete, and free from tampering influence .....C:1163
  - h) Rep. **Dianetti’s** letter of **July 1, 2005, to Dr. Cordero** stating the transcript cost and format, and that “The **balance of your letter** of June 25, 2005 is **rejected**” .....C:1165
140. **Letter of Bankruptcy Clerk Paul R. Warren of October 20, 2005, to Judge Larimer informing** him of Dr. **Cordero’s letter** to Contracting Officer Melissa Frieday and qualifying it as “an effort to both avoid your Order and to intimidate the Bankruptcy Court’s clerical staff” .....C:1166
- [**Comment:** Officer Frieday never communicated in any way with Dr. Cordero, but simply sent his letter to Clerk Warren, who failed to disclose to Judge Larimer that the Chairperson of the Executive Committee of the Judicial Conference, CA5 Chief Judge Carolyn Dineen King, had referred Dr. Cordero to Officer Frieday as the „court officer designated to supervise court reporters at the U.S. Bankruptcy Court for WDNY“. (C:1152) Did Clerk Warren try to mislead Judge Larimer?]
- 141. Dr. **Cordero’s** letter of **October 24, 2005, to Rep. Dianetti, requesting** under protest that she produce the **transcript** of the evidentiary hearing on March 1, 2005; **sending** her a **check** for the payment requested; and **proposing** arrangements for her to **disclose** everything she knows about the bankruptcy fraud **scheme to government officers in Washington, D.C.** .....C:1167
  - 142. Dr. **Cordero’s** cover **letter of October 25, 2005, to the Bankruptcy Court accompanying** his **notice** of the same date to the District Court of having

**complied** with the order of Judge Larimer that directed him to request the **transcript and** stating that such notice was **his response to** Clerk of Court **Warren’s** letter to Judge Larimer of October 20, 2005.....C:1169

143. Dr. **Cordero’s notice of October 25, 2005**, to the District Court of having **complied** with Judge Larimer’s October 14 order directing him to request the transcript from Reporter Dianetti and that his compliance was under compulsion of the order and with reservation of his rights to challenge it and demonstrate how it made a mockery of due process.....C:1170

    a) Table of Content .....C:1170

144. Dr. **Cordero’s letter of October 26, 2005**, to the **new Chair of the Executive Committee** of the Judicial Conference, Chief Judge Thomas F. Hogan, U.S. District Court for the District of Columbia, **appealing** through him to **the Conference** under 28 U.S.C. §§753 and 331 **from the handling of** the complaint against Reporter Dianetti by **Reporter Contracting Officer** Melissa Frieday, WDNY, who **merely forwarded** Dr. Cordero’s October 18 **letter to her to Bankruptcy Clerk Warren**, who in turn forwarded it to District **Judge Larimer**, who once again lazily, without discussing any of the objections of Dr. Cordero [cf. A:211, 350, Add:831, 839, 1019], had **ordered** (Add:991) the latter to **obtain the transcript from Reporter** Dianetti while denying his request to refer the Reporter to the Conference for investigation of her refusal to certify the transcript’s accuracy, completeness, and untampered-with condition, whereby Judge Larimer supported a cover up and a bankruptcy fraud scheme.....C:1177

    Exhibits

    a) Dr. **Cordero’s letter of August 1, 2005**, to Chief Judge **Hogan** requesting that he cause the July 28 **petition to investigate Reporter** Dianetti to **be placed** on the September **agenda of the Judicial Conference**.....C:1178

    b) Dr. **Cordero’s letter of August 31, 2005**, to Chief Judge **Hogan** **requesting** that he cause the **Judicial Conference to act** on Dr. Cordero’s **supplement of August 30 to the July 28 petition**.....C:1179

    c) Summary of Contents of the Appeal.....C:1180

    d) Table of Exhibits of the Appeal.....C:1181

    47. Dr. **Cordero’s motion of July 18, 2005**, in District Court in the context of his appeal *Cordero v. DeLano*, no. 05cv6190L, WDNY, assigned to Judge Larimer, to **refer Bankruptcy Court Reporter** Mary **Dianetti to the Judicial Conference** for investigation of her **refusal to certify the reliability of her transcript** (C:1155-1165) of her own recording of the evidentiary hearing before Judge Ninfo on March 1, 2005, of the DeLano Debtors’ motion to disallow Dr. Cordero’s claim in *In re DeLano*, no. 04-20280, WBNY.....C:1183

i) Table of Contents .....C:1184

ii) Dr. **Cordero’s proposed order** submitted to Judge **Larimer** with his July 18 motion to **refer** Reporter **Dianetti to the Judicial Conference** .....C:1204

48. Dr. **Cordero’s** notice of motion and **motion of August 23, 2005**, in WDNY to **compel** the production of **documents** and take **other actions** necessary for the exercise both of the Court's supervision over the Bankruptcy Court and of his right of appeal, and for the proper determination of the appeal *Cordero v. DeLano*, no. 05cv6190, returnable on September 12.....C:1207

i) Table of Contents .....C:1208

ii) Dr. **Cordero’s proposed order** submitted to WDNY Judge **Larimer** with his August 23 motion to compel production of transcripts and other documents necessary for prosecuting and determining *Cordero v. DeLano* .....C:1233

49. Judge **Larimer’s** decision and **order of September 13, 2005**, stating that Dr. Cordero’s motion “to refer a bankruptcy court reporter to the Judicial Conference for an “investigation” is denied in all respects” because “The prolix submissions might lead one to believe that this is a significant problem. It is not. It is a tempest in a teapot” and with nothing less conclusory, let alone a legal argument, ordering that “The matter must be resolved as follows”, where he **required** Dr. **Cordero to request** in writing Reporter Dianetti to prepare the **transcript**, stated that he “has no right to “condition” his request in any manner”, **and** ordered him to **prepay** her fee of \$650 .....C:1241

50. Dr. **Cordero’s** motion of **September 20, 2005**, for **reconsideration** of Judge Larimer’s decision and order **concerning Reporter** Mary Dianetti and the **transcript** necessary for the appeal.....C:1243

i) Table of Contents .....C:1244

52 Judge **Larimer’s** decision and **order of October 14, 2005**, stating lazily that “The motion for reconsideration is in all respects denied”, with not a single argument indicating that the Judge had even read it [cf. A:211, 350] or noticed that it was returnable on November 18, and then **directing** Dr. Cordero to **request the transcript within 14 days** and pay the \$650 fee lest he be found to have failed to perfect his appeal and it be dismissed.....C:1269

53. Judge **Larimer’s** order of **October 17, 2005**, “**den[ying]** in their entirety” Dr. **Cordero’s three** pending **motions** [Add:851, 881, 951] by lazily repeating the **peremptory and conclusory fiats**, unsupported by any discussion of Dr. Cordero’s legal argu-

ments, that “there is no basis in law to support such relief”, “these motions are wholly without merit” and “it completely lacks merit” .....C:1271

[**Comment:** No reply was received to any of Dr. Cordero’s letters to C.J. Hogan (C:1177-1179) or to the appeal to the Judicial Conference (C:1180). Their failure to respond makes a mockery of the right “to petition the Government for a redress of grievances” guaranteed by the First Amendment. It shows the intentional and coordinated determination of the Conference and its members not to investigate any of their own, that is, judges (cf. C:973, TøEC:40>C:980x>Comment) or employees (C:685; C:442, TøEC:20>C:491>Comment). Since the latter do their bidding, they know too much to be subjected to an investigation that could cause them to provide incriminating testimony.

This is illustrated by their handling of the complaint against Reporter Dianetti. It turned out that her recording of the DeLano hearing on March 1, 2005, was patently inaccurate (TøEAdd:233>Add:1073>Comment). Moreover, when she prepared and finally, *seven months later*, sent the transcript both on paper and on a CD, it was incomplete: the former had 190 and the latter 169 consecutively numbered pages! (TøEAdd:235>Tr>Comment) Who tampered with it, removing pages and pretending it was complete? No wonder the Reporter refused Dr. Cordero’s request to certify its reliability (C:1163, 1165) and Judge Larimer refused to refer her to the Judicial Conference for investigation (C:1183, 1241 ] Is this any way for federal judges to show that the objective guiding their conduct is to safeguard the integrity of the courts in order to administer justice rather than to protect the vested interests of their class?

145. List of Judge **Larimer’s** orders in *Cordero v. Tr. Gordon, - v. Palmer*, and - *v. DeLano* showing a **pattern** of **disregard** for the law, gross **mistakes** of facts, and **laziness** that denies due process of law (cf. C:993).....C:1278

**J. Request to the Judicial Council, 2<sup>nd</sup> Cir., for the abrogation of district local rules inconsistent with FR CivP and protective of a bankruptcy fraud scheme**

146. Sample of Dr. **Cordero’s** letters of **January 8, 2006, to** Circuit Judge Dennis Jacobs and **Judicial Council** members requesting that they:
- i) bring the attached **Statement** and CD before the Council so that under 28 U.S.C. §§332(d)(4) and 2071 it may abrogate WDNY Local **Rules 5.1(h) and 83.5**;
  - ii) **investigate** the District and Bankruptcy Courts, WDNY, for supporting a bankruptcy fraud scheme and the schemers; and
  - iii) **report** the case to **U.S. Attorney General** Alberto Gonzales under 28 U.S.C. **§3057(a)** [C:405].....C:1285
- a) List of **members** of the Judicial Council, 2nd Cir., to **whom** Dr. Cordero **sent** the letter of January 8, 2006, and the Statement .....C:1286

Attachments

b) **Rule 5.1(h)** of the Local Rules of Civil Procedure of the U.S. District Court, WDNY, on **filing** cases **under** the Racketeer Influenced and Corrupt Organizations Act (“**RICO**”), 18 U.S.C. §1961 et seq. ....C:1287

c) **Rule 83.5**, *id.*, on the **prohibition** on bringing “any camera, transmitter, receiver, portable telephone or recording device into the Court or its environs” [Local Rules also available at <http://www.nywd.uscourts.gov/>].....C:1290

d) Dr. **Cordero’s Statement** of **January 7, 2006**, to the **Judicial Council**, 2<sup>nd</sup> Cir., on how Rule 5.1(h) of the Local Rules of Civil Procedure of the U.S. District Court, WDNY, requires such detailed facts to plead a RICO claim that it contravenes FRCivP 8 and 83 and should be abrogated; and how **Rules 5.1(h) and 83.5** constitute a **preemptive attack** on RICO claims that could expose the District and Bankruptcy Courts’ support for a bankruptcy fraud scheme and the schemers .....C:1291

    i) Table of Contents.....C:1291

Table 1: The **DeLanos’ mortgages** and their unaccounted-for proceeds of \$382,187 .....C:1312

Table 2: Officers that have disregarded their **statutory duty to investigate** the DeLano Debtors .....C:1313

Table 3: Contempt for the law and litigants’ rights shown in the **dismal quality** of the **work** produced by **Judges Larimer and Ninfo** and accepted by them from **lawyers and clerks** .....C:1313

    ii) Table of Exhibits.....C:1315

        a) **Local Rule 32(a)1** on **briefs in digital format** of CA2’s Local Rules of Civil Procedure..... Pst:1171

        b) **Local Rule 25** on submitting an **unbound copy** of the brief if no PDF copy is submitted, *id.*..... Pst:1173

        c) **Docket** for *Cordero v. DeLano*, no. 05cv6190L, WDNY, as of May 10, 2006 ..... Pst:1181

        d) United States District Court for the Western District of New York **Administrative Procedures Guide**..... Pst:1189

        e) Notice of February 6, 2004, about the **obligation** in WDNY to **file using** the Electronic Case Filing (ECF) system or a disk..... Pst:1209

        f) Notice of July 5, 2005, about WDNY judicial **officers who want** filings on **paper** despite the Case Management (CM)/ECF system..... Pst:1211

        g) Letter of District Court **Deputy Clerk** John H. Folwell



returning Dr. Cordero’s PDF files on a disk accompanying his paper copies of the exhibits in those files..... Pst:1213

h) Judge Larimer’s order of January 4, 2006, refusing to post on PACER Dr. Cordero’s exhibits, namely, the Designated items in the record on appeal, the Addendum thereto, and the transcript of the evidentiary hearing in Bankruptcy Court in DeLano on March 1, 2005, thereby making them unavailable publicly on the World Wide Web, i.e., the Internet (cf. ToEA:153§7; C:1283¶16)..... Pst:1214

147. Form letter of CA2 Clerk MacKechnie by Deputy Clerk Allen of January 11, 2006, to Dr. Cordero returning his January 8 letter to Judge Jacobs and his Statement to the Judicial Council because “our records indicate that you have no matter pending before this Court”.....C:1317

[Comment: It is the Judicial Council that has the authority to abrogate a local rule under 28 U.S.C. §§332(d)(4) and 2071. The Court, let alone a case in it, has nothing to do with the review and abrogation of those rules.

There has been no reply from either the Judicial Council or any of its other members to whom Dr. Cordero sent the January 8 letter and the January 7 statement (C:1285, 1291). What motive do the Judicial Council and the judges who are members of it and who took an oath to apply the law have not to discharge their statutory duty? Is their inaction part of the pattern of judges protecting each other? The answer to these and other questions can be searched for as part of the efforts to answer the broader query that they and the rest of the evidence raise, namely, whether a federal judgeship has become a safe haven for wrongdoing and, if so how high and to what extent has wrongdoing reached. But how could they have been allowed to engage in wrongdoing? The next section provides the beginning of an answer.]

**K. Referral to the U.S. Attorney’s Offices and the FBI’s Bureaus in New York City, Buffalo, and Rochester, NY, for an investigation of a judicial misconduct and bankruptcy fraud scheme**

**1. Offices in New York City**

148. Dr. Cordero’s letter of May 2, 2004, to Mr. Pasquale J. Damuro, Assistant Director in Charge of the NY FBI Office, submitting evidence of a series of acts of disregard for the law, the rules, and the facts so numerous and consistent as to form a pattern of non-coincidental, intentional, and coordinated wrongdoing by judicial officers and bankruptcy trustees pointing to judicial misconduct and bankruptcy fraud; and requesting an

investigation and a meeting.....C:1331

a) **Table of Exhibits** .....C:1332

9. A **trustee with 3,909 open cases** cannot possibly have the time or the inclination to check the factual accuracy or internal consistency of the content of each bankruptcy petition to ascertain its good faith [cf. C:1406¶¶16-18; see ToEC:>C:641 and comment thereunder for access to those cases] .....C:1335

10. A case that illustrates how a **bankruptcy petition** riddled with red flags as to its good faith is **accepted without review** by the trustee and readied for approval by the Bankruptcy Court, WBNY.....C:1337

11. Another **trustee with 3, 092 cases** was upon a performance-and-fitness-to-serve complaint referred by the court to the Assistant U.S. Trustee for a “thorough inquiry”, which was limited to talking to the Trustee and a party and to uncritically writing down their comments in an opinion, which the U.S. Trustee for Region 2 would not investigate [see ToEC:>C:641 and comment thereunder for access to those cases] .....C:1340

149. Dr. **Cordero’s** letters of **May 6, 2004**, to David N. **Kelley**, U.S. Attorney for the **Southern District** of NY, and Ms. Roslynn **Mauskopf**, U.S. Attorney for the **Eastern District** of NY, submitting evidence of a series of acts of disregard for the law, the rules, and the facts so numerous and consistent as to form a pattern of non-coincidental, intentional, and coordinated wrongdoing by judicial officers and bankruptcy trustees pointing to judicial misconduct and bankruptcy fraud; and requesting an investigation and a meeting.....C:1345

a) Table of Exhibits ..... C:1332 above

150. Letter of U.S. Attorney **Mauskopf** by Assistant U.S. Attorney F. Franklin **Amanat** of **May 12, 2004**, to Dr. **Cordero** stating that “because United States Attorney’s Offices have no involvement in complaints alleging judicial misconduct and no authority to take any action with regard to such complaints, we are unable to discuss your allegations with you or to take any other action in regards to them” .....C:1347

[**Comment:** Since judges do not investigate their own and the U.S. attorneys do not investigate them, who investigates judicial misconduct to prevent judges from becoming a class of people, or rather, of wrongdoers above the law?]

151. Dr. **Cordero’s** letter of **May 24, 2004**, to FBI Assistant Director **Damuro** providing materials that reveal a **coordinated effort** by the U.S. and private bankruptcy **trustees to avoid sending** Dr. Cordero **documents** that could allow him to investigate the DeLano Debtors’ bankruptcy

petition in *In re DeLano*, no. 04-20280, WBNY, and expose a bankruptcy fraud scheme; and requesting again that the FBI open an investigation .....C:1348

a) Table of Exhibits .....C:1349

152. Dr. **Cordero's** letter of **June 11, 2004**, to each of the members of the **Judiciary Committees** of the House of Representatives (37) and the Senate (19), including their respective Chairmen, Rep. F. James **Sensenbrenner, Jr.**, and Sen. Orrin G. **Hatch**, providing **evidence** of a **judicial misconduct** and **bankruptcy fraud scheme** and requesting that they open an investigation.....C:1352

[**Comment:** Not a single one replied to Dr. Cordero. So who oversees the conduct of judges and exercises discipline for their misconduct? In the absence of any control over them, the judicial power that individuals – certainly not nominated for judgeships because of their incorruptibility-acquire upon being sworn in as judges becomes absolute power. Such power is the necessary and sufficient condition to produce absolute corruption. (ToEC:>C:973 and >C:1381 and Comment thereunder)]

a) **Table of the 56 members** of the **Judiciary Committees** of the U.S. HR and the Senate individually addressed by Dr. Cordero in his June 11 letter.....C:1354

b) **Table of Exhibits** .....C:1357

8. Trustees with **thousands of open cases** and one case that opens a **window into** the operation of the **bankruptcy fraud scheme** [see updated version as of June 26, 2004 (C:1401); see ToEC:>C:641 and comment thereunder for access to those cases] .....C:1361

13. **Table of all 15 Memoranda and Orders** of the Judicial Conference of the United States Committee to Review Circuit Council Conduct and Disability Orders (text at C:1611) since the adoption of the Judicial Conduct and Disability Act of 1980, sent to Dr. Cordero from the General Counsel's Office of the Administrative Office of the U.S. Courts and showing how few complaints under 28 U.S.C. §351 et seq. are allowed to reach the Judicial Conference as petitions for review of judicial council action.....C:1373

14. **Statements** of the **Judicial Conference's** Committee to Review Circuit Council Conduct and Disability Orders and a **Report** of the Proceedings of the **Judicial Conference** of the United States, both stating that there are **no pending petitions** for review of judicial council action

a) Report of **March 2004** to the Judicial Conference by its Committee to Review Circuit Council Conduct and

Disability Orders: **no pending petitions for review** .....C:1374

b) Title page of the **Report** of September 23, 2003, of the **Proceedings** of the **Judicial Conference** of the United States .....C:1375

c) Statement in the Judicial Conference Report of **September 23, 2003**, by its Committee to Review Circuit Council Conduct and Disability Orders: **no pending petitions for review**.....C:1376

d) Report of **September 2003** to the Judicial Conference by its Committee to Review Circuit Council Conduct & Disability Orders: **no pending petitions for review** .....C:1377

e) Report of **March 2003** to the Judicial Conference by its Committee to Review Circuit Council Conduct & Disability Orders: **no pending petitions for review** .....C:1378

15. **Contact information useful to investigate** the evidence of a judicial misconduct and bankruptcy **fraud** scheme [see also TOEC:§VII below].....C:1380

153. List of the 13 impeached federal judges in all the 217 years of judicial history of the United States, beginning in 1789; by the Federal Judicial Center .....C:1381

154. Federal Judicial Center: <http://www.fjc.gov/history/home.nsf>

155. Remarks of the Chief Justice at the Federal Judges Association Board of Directors Meeting, May 5, 2003; at [http://www.supremecourtus.gov/publicinfo/speeches/sp\\_05-05-03.html](http://www.supremecourtus.gov/publicinfo/speeches/sp_05-05-03.html).....C:1384

[**Comment:** Chief Justice John Roberts is the seventeenth chief justice of the Supreme Court since John Jay became the first chief justice in 1789 upon his nomination by President George Washington. In the same 217 years comprising the whole judicial history of the United States under the Constitution, only thirteen federal judges have been impeached in Congress. This means that a federal judge has a higher statistical chance of becoming the next chief justice than of being impeached.

In addition, there is the pattern of the chief judges of the courts of appeals and the judges of the circuit councils systematically dismissing (C:973) judicial misconduct complaints. In practice this means that judges protecting their own have rendered useless that mechanism of judicial self-discipline; official statistics of the Administrative Office of U.S. Courts proves it (C:973-980x. and TOEC:>C:973>Comment thereunder).

As a result, federal judges are not subject to any effective system of supervision and discipline. Without any such control, their exercise of judicial power becomes absolute. Thereby the condition for the application of the aphorism ensues: Power corrupts and absolute power

corrupts absolutely. (cf. A:1664¶70) This gives rise to the condition of possibility for a federal judgeship to become a safe haven for wrongdoing and for federal judges to become a class of wrongdoers immune to the principle inscribed on the frieze below the pediment of the Supreme Court building, „Equal Justice Under Law“. Federal judges are, as a matter of historic fact and established practice, people above the law. (cf.A:1662§D)

156. Dr. **Cordero’s** letters of **June 29, 2004, to U.S. Attorney** Kelley, SDNY, and to **FBI Assistant Director** Damuro providing **another update** with recent evidence of a bankruptcy fraud scheme and requesting a meeting to discuss it; **and** simultaneously making a request **to other officers** in their respective offices that they bring the evidence sent to each of them to the attention of those top officers and **cause them to respond** to Dr. Cordero:

I. Letters:

- a) David Kelley, U.S. Attorney for the Southern District of NY.....C:1391
  - 1) Janet **Sandt**, Legal Assistant.....C:1392
  - 2) David **Jones**, Chief of the Bankruptcy Unit in Civil Matters.....C:1393
  - 3) Karen Patton **Seymour**, Chief of the Criminal Division .....C:1394
  - 4) Donna **Drori**, Assistant U.S. Attorney .....C:1395
- b) Pasquale J. Damuro, Assistant Director in Charge, FBI NY .....C:1396
  - 1) Robert Silveri, FBI Acting Supervisory Special Agent, Squad C-4 .....C:1397

II. Table of Exhibits .....C:1398

- 1. **Trustees with thousands of open cases** and one case that opens a window into the operation of the bankruptcy fraud scheme (updated as of June 26, 2004) [see TOEC:>C:641 and comment thereunder for access to those cases].....C:1401
  - A. A scheme that works by taking money from many credit card issuers but not so much from anyone as to make it cost-effective for any issuer to spend time, effort, and money pursuing a pennies-on-the dollar recovery in risky bankruptcy proceedings .....C:1401
  - B. A Chapter 13 trustee with 3,909 *open* cases cannot possibly have the time or the inclination to check the factual accuracy or internal consistency of the content of each bankruptcy petition to ascertain its good faith [cf. C:1406¶¶16-18; see TOEC:>C:641 and comment thereunder

for access to those cases].....C:1403

C. Another trustee with 3,383 cases was upon a performance-and-fitness-to-serve complaint referred by the court to the Assistant U.S. Trustee for a “thorough inquiry”, which was limited to talking to him and a party and to uncritically writing down their comments in an opinion, which the Trustee for Region 2 would not investigate [see ToEC:>C:641 and comment thereunder for access to those cases] .....C:1406

D. A case that illustrates how a bankruptcy petition riddled with red flags as to its good faith is accepted without review by the trustee and readied for confirmation by the bankruptcy court.....C:1411

5. **Dr. Richard Cordero’s Table Comparing Claims** on David and Mary Ann DeLano in:.....C:1415

    1) The DeLanos’ voluntary bankruptcy petition:

        i) WBNY Bankruptcy Court Notice of February 3, 2004, of meeting of creditors .....C:1431

        ii) Bankruptcy **petition**, no. 04-20280, WBNY, of January 27, 2004, with Schedules A-J.....C:1435

            (a) Statement of Financial Affairs.....C:1455

            (b) Verification of Creditor Matrix .....C:1463

        iii) Debt repayment plan of January 26, 2004 .....C:1467

    2) **Equifax** credit reports

    3) Claims register

    4) Credit card statements of account

6. **Equifax** report of April 26, 2004, confirmation # 4117002205, on Mr. **David** DeLano, who produced it **incompletely** on **June 14, 2004, to Trustee Reiber: it begins** on page **3 of 14** and **continues** with pages **5, 7, 9, 11, 13** ..... C:1469

7. **Equifax** report of May 8, 2004, confirmation # 4129001647, on **Mary Ann** DeLano, who produced it **incompletely** on **June 14, 2004, to Trustee Reiber: it begins** on page **3 of 12** and continues consecutively **until** page **7 of 12** .....C:1475

8. WBNY Bankruptcy Court’s **register** as of June 23, 2004, of creditors’ **claims** on the DeLanos ..... C:1481

9. WBNY Bankruptcy Court’s **creditors matrix** for the DeLanos’

case as of June 23, 2004..... C:1488

10. Eight incomplete **statements of account** as of between July and October **2003**, concerning credit card accounts of the DeLanos, produced belatedly by their attorney, Christopher Werner, Esq., on June 14, 2004, to Trustee Reiber (cf. D:63, 94¶80b, 120).....C:1491

11. **IRS 1040 forms** for the DeLanos' tax returns for 2001, 2002, and 2003..... C:1499

23. **Useful addresses for investigating** the judicial wrongdoing and bankruptcy fraud scheme (see also TOEC:§VII).....C:1509

157. Legal Assistant **Sandt's** letter of **July 13**, 2004, indicating that the U.S. **Attorney's Office, SDNY**, does **not** have **jurisdiction** over a matter concerning the Bankruptcy Court and the District Court in the **Western District** of New York.....C:1511

[**Comment:** However, the U.S. Attorney failed to take into account the two links in SDNY to that matter, namely, the CA2 and the U.S. Trustee for Region 2, which should have been enough to give it jurisdiction to investigate it.]

158. Letter of Att. **Seymour** at the U.S. Attorney's Office in NYC of **August 5**, 2004, **transmitting** to **Bradley E. Tyler**, Esq., Attorney in Charge of the U.S. Attorney's Office in Rochester, NY, the documentary evidence submitted by Dr. Cordero to U.S. Att. Kelley.....C:1512

159. Dr. **Cordero's** letter of **August 14**, 2004, to U.S. Att. **Tyler requesting** his opening of an **investigation**; informing him of the hearings on August 23 and 25, 2004, in *In re DeLano*, no. 04-20280, in the Bankruptcy Court in Rochester, NY, **and** asking that he **attend** them so that he can **witness** Judge **Ninfo's bias** and his **conduct** of the proceedings **in the absence** of Dr. **Cordero**, who would **appear by phone** .....C:1513

    a) Table of Exhibits .....C:1514

160. Dr. **Cordero's** fax of August 16, 2004, without cover letter **to** Robert M. **Silveri**, FBI Acting Supervisory Special Agent, Squad C-4, at the FBI Bureau in NYC, of his **motion** of **August 14**, 2004, for docketing and issue of proposed order, transfer, referral, examination, and other relief ..... C:752 above

161. Dr. **Cordero's** letter of **August 17**, 2004, faxed **to** FBI Special Agent **Silveri** informing him of the two upcoming **hearings in DeLano** on August 23 and 25, 2004, in the Bankruptcy Court **in Rochester** and urging him to cause agents to **attend** them from the FBI offices in Buffalo and Rochester to whom Agent Silveri referred the material that Dr. Cordero had submitted to the FBI in NYC, so that they can witness Judge Ninfo's bias .....C:1515

162. Dr. **Cordero's** faxed letter of **August 23, 2004, to** FBI Special Agent **Silveri explaining** how the attorney for the **Debtors** in the *DeLano* case is trying to **disallow his claim to eliminate him** from the case, the only party insisting on the production of financial documents that can show concealment of assets; and requesting that he pass on to his FBI colleagues in Rochester and Buffalo Dr. Cordero's reply to the motion to disallow .....C:1516

a) Dr. **Cordero's reply of August 17, 2004, to the DeLanos' objection** to his claim and their motion to disallow it.....C:1517

i) Table of Contents .....C:1517

163. Dr. **Cordero's hand delivery on August 23, 2004, to** the Office of FBI Special Agent **Silveri** of a **copy of his August 20 motion for sanctions on** and compensation from Christopher **Werner, Esq.**, attorney for the DeLanos, and his law firm for **violation of FRBkrP Rule 9011(b)** .....C:1529

a) Table of Contents.....C:1530

[**Comment:** This motion was intended to focus the FBI's investigation on the motive for the wrongful conduct described therein and its tolerance by Judge Ninfo.]

**2. Offices in Rochester and Buffalo**

164. Letter of Richard **Resnik, Esq.**, Assistant U.S. Attorney, of **August 24, 2004, to** Dr. **Cordero** stating that the **U.S. Attorney's Office** in Rochester **will not investigate** Dr. Cordero's "allegations of bankruptcy fraud and judicial misconduct" and **returning** to him all the **files**.....C:1545

165. Dr. **Cordero's** letter of **August 31, 2004, to** **Bradley E. Tyler, Esq.**, Attorney in Charge of the U.S. Attorney's Office in Rochester, NY, **sending back** to him in Rochester the **files** that his Assistant U.S. Attorney Resnik had returned to Dr. Cordero; and stating that if his personal **relation to** Assistant U.S. **Trustee** Kathleen Dunivin **Schmitt** and his trust in her word render Dr. Cordero's evidence just "speculations", as he put it during their phone conversation earlier that day, and cause his **reluctance to** examine it, not to mention **investigate** her, his **objectivity** might be **compromised**, so that he should recuse himself and **support a referral to the Fraud Section** of the U.S. Department of Justice, Criminal Division.....C:1546

a) Table of **files** already **sent** to U.S. Att. Tyler and **updates** accompanying Dr. Cordero's August 31 letter to him.....C:1547

4.a) Notice of hearing of Christopher **Werner, Esq.**, attorney for the DeLano Debtors, objecting to Dr. Cordero's claim on the



DeLanos and **moving to disallow** it, dated July 19, 2004, but filed on July 22, 2004.....C:1548

166. Dr. **Cordero's** letter of **September 13 and 15, 2004, to Peter Ahearn**, Special Agent **in Charge** of the **FBI** bureau in **Buffalo, NY**, to **inquire** about the bound **files** concerning evidence of a judicial misconduct and bankruptcy fraud scheme that Dr. Cordero had sent to FBI Assistant Director Damuro in Charge of the NY City bureau and which were **forwarded** on jurisdictional grounds to Mr. Ahearn's bureau in early July with a cover letter from Supervisory Special Agent Robert **Silveri** .....C:1550

167. Dr. **Cordero's** cover letter of **September 18, 2004, to Michael A. Battle**, Esq., U.S. Attorney for WDNY, Buffalo, NY, accompanying:.....C:1551

    a) Dr. **Cordero's** **appeal** of **September 18, 2004, to Att. Battle** from the **decision** taken by Att. **Tyler** in Rochester **not to open an investigation** into the complaint about a judicial misconduct and bankruptcy fraud scheme; and statement of the questionable circumstances under which that decision was made.....C:1552

168. Dr. **Cordero's** letter of **October 7, 2004, to Jeannie Bowman**, Executive Assistant to U.S. Att. Battle, accompanying the **resubmission of the appeal to Att. Battle** from the decision of Att. Tyler; stating that the latter was to have forwarded Dr. Cordero's files to Att. Battle; and setting forth reasons why Mr. Tyler should not investigate the case.....C:1559

169. Dr. **Cordero's** letter of **October 19, 2004, to Mary Pat Floming**, Esq., Assistant U.S. Attorney at the U.S. Attorney's Office in Buffalo, requesting that she **see to it** that the accompanying **appeal to Att. Battle is brought to his attention** and requesting her assistance.....C:1560

170. Dr. **Cordero's** letter of **October 25, 2004, to Att. Floming** with an **update** about why Trustee **Reiber** is **refusing** to hold an **examination** of the **DeLanos** and stating that just as Mr. Tyler cannot investigate Dr. Cordero's appeal from his own decision, neither of Trustees Schmitt, Martini, or Reiber can investigate the bankruptcy fraud scheme, and **requesting** that she use the influence of her **Office** to **cause** the Executive Office of the **U.S. Trustee** to **appoint** an independent **trustee** to **examine** the **DeLanos** .....C:1561

171. U.S. Att. **Battle's** letter of **November 4, 2004, to Dr. Cordero** stating that he **reviewed** the **documentation** and **found no** basis for Dr. Cordero's claim of bankruptcy **fraud** and closing the matter .....C:1562

172. Dr. **Cordero's** letter of **November 15, 2004, to U.S. Att. Battle** showing that as of November 1 Att. Battle did **not have the documentation** and **could not have retrieved it** from the Rochester office **and reviewed** over 315 pages by November 4, and requesting that he obtain the files and

- assign the case to skilled bankruptcy fraud investigators as he had said on November 1 that he would do .....C:1563
- 173. Att. **Battle's** letter of **November 29, 2004, to Dr. Cordero** stating that his trusted professionals indicated that Dr. Cordero **was a party** to a bankruptcy **case** that was later appropriately **resolved** by a bankruptcy judge .....C:1565
- 174. Dr. **Cordero's** letter of **December 6, 2004, to U.S. Att. Battle** showing that he does not even know the facts of the Appeal to him of September 18 and that there are **two actions**, both are **ongoing**, and that **if** his trusted professionals **know how** ongoing actions **will be resolved**, the **process is a sham**, and requesting that he refer the accompanying Request to the Attorney General for investigation .....C:1566
  - a) Dr. **Cordero's** request of **December 6, 2004, to U.S. Att. Battle** to **report to** the Acting U.S. **Attorney General** for investigation the evidence of a judicial **misconduct** and bankruptcy **fraud** scheme .....C:1568
    - i) Table of Contents .....C:1568
    - ii) Table of Exhibits.....C:1587
- 175. Dr. **Cordero's** letter of **December 27, 2004, to U.S. Att. Battle** to **inquire** what action he took with regard his December 6 Request [never replied to] .....C:1601

**L. Submissions to the Judicial Conduct and Disability Act Study Committee chaired by Justice Stephen Breyer of evidence of a pattern of systematic dismissal of complaints about judicial wrongdoing in support of a bankruptcy fraud scheme further protected by preventing complaints from reaching the Judicial Conference**

- 176. The **15 Decisions** of the Judicial Conference **Committee to Review** Circuit Council Conduct Orders **since** the adoption of the Judicial Conduct and Disability Act of **1980** (cf. C:682).....C:1611
- 177. Dr. Cordero's letters with supporting exhibits submitted to the Judicial Conduct and Disability Act Study Committee and to each of its members and the Study Committee's acknowledgment of receipt thereof:
  - a) Dr. Cordero's submission of **November 26, 2004, requesting that they:** .....1751
    - "1. bring to the attention of the Judicial Conference or its members the advisability both of taking jurisdiction of the petition herewith [C:823], on grounds such as those set forth therein, and of investigating the complaints for the purpose, among others, of shedding light on the

misapplication of the Act by chief judges and judicial councils;

2. include this case in your Study and investigate it as part thereof, and if the Committee holds hearings, invite me to be heard and answer your questions; and
3. if you believe that Judge Ninfo or any of the others has committed an offense, make a report of this case to the Acting U.S. Attorney General under 18 U.S.C. 3057(a).“

b) Study Committee’s acknowledgment:

1. of December 2, 2004 .....1752
2. of December 3, 2004 .....1753

c) **December 20, 2004**, requesting that they: .....1754

- “1. add this letter and supporting documents [C:845] to my case and include them in your Study; and
2. convey to the Administrative Office and the Conference that in the interest of studying the handling in the Act’s last review stage of the first petition filed with it in many years, my petition [C:823] should be forwarded to the Conference to be investigated and decided by it.“

d) Study Committee’s acknowledgment:

1. of December 27, 2004 .....1755
2. of January 7, 2005 .....1756

e) **March 9, 2005**, requesting that they: .....1757

- “1. make known to Chief Justice Rehnquist the importance for the work of the Study Committee, which he himself appointed, that he cause the Judicial Conference to determine the jurisdictional issue either as presented in the addendum (C:899) to my petition or by having the petition (C:823) forwarded to the Conference from the Administrative Office;
2. convey to Administrative Office General Counsel William R. Burchill and Director Leonidas Mecham the need to forward the petition to the Conference so that it be the one to determine the jurisdictional issue”; ‘and
3. take cognizance from my motion for the recusal [C:905] of Complained-about Bankruptcy Judge John C. Ninfo, II, WBNY, of the egregious nature and harmful effect on me of his misconduct as evidence of the need in legal and practical terms to have the Conference review this petition.’

f) Study Committee’s acknowledgment:

1. of March 15, 2005.....1758
2. of March 22, 2005.....1759

g) **March 28, 2005**, requesting that they:.....1760

“1. bring to the attention both of Judge Ralph K. Winter, Jr., Chairman of the Committee to Review Circuit Council Conduct and Disability Orders, and of the Review Committee itself the need to let the Judicial Conference decide the issue of the scope of its own jurisdiction to review a circuit council’s judicial misconduct orders”; ‘and

2. considering whether too narrow an interpretation of the jurisdictional provisions of the Judicial Misconduct Act accounts for the fact that for years not a single petition has been submitted to it [cf.C:1771]...so that instead of it protecting individuals who suffer abuse and bias through judicial misconduct or the public at large who must bear the loss of access to justice and the material cost caused by judges engaged in wrongdoing, the Act has been interpreted as a means for judges to take care of their own.’

    i) Table of Exhibits.....1761

h) Study Committee’s acknowledgment:

    1. of April 1, 2005.....1762

    2. of April 1, 2005.....1763

i) **August 5, 2005**, requesting that they:.....1764

    1. consider the decision of the Administrative Office of the U.S. Courts not to forward to the Judicial Conference my petition for it to perform its duty under 28 U.S.C. §753(c) by opening an investigation of WBNY Bankruptcy Court Reporter Mary Dianetti’s refusal to certify the reliability of her transcript;

    2. to the extent that Administrative Office Assistant General Counsel Robert Deyling is following instructions from the Conference, consider whether the uselessness of the Judicial Conduct and Disability Act of 1980 since its enactment 25 years ago results from the determination of the Conference and the judges never to police themselves formally; and

    3. let me know to whom in the Conference I can address my petition so as to seize that body thereof.

j) Study Committee’s acknowledgment:

    1. of August 12, 2005.....1765

k) **September 1, 2005**, requesting that they: .....1766

    1. consider my Supplement [C:1127] to the Petition [C:1183] showing how WBNY Reporter Mary Dianetti’s refusal to certify her transcript is part of a bankruptcy fraud scheme whereby Bkr. Judge John C. Ninfo, II, and Chapter 13 Trustee George Reiber have confirmed the debt repayment plan of Bankrupts David and Mary Ann DeLano upon the pretense that an investigation cleared them of fraud, yet the evidence shows that there was never any investigation and their bankruptcy was fraudulent; and

    2. set an example for your peers of concern for judicial integrity and

compliance with judges' duty under 18 U.S.C. §3057(a) by referring both the Petition and its Supplement to U.S. Attorney General Alberto Gonzales.

l) Study Committee's acknowledgment:

1. of September 7, 2005 .....1767

[**Comment:** Except for the acknowledgments of receipt of Dr. Cordero's submissions to the Study Committee and each of its members, neither the former nor any of the latter wrote to Dr. Cordero or furnished any information requested, let alone caused the Judicial Conference to take any action to review his petitions or otherwise provide any relief from the enormous waste of effort, time, and money and the tremendous emotional distress inflicted upon him by the judges' continued wrongdoing in support of a bankruptcy fraud scheme.]

- 178. The **statements** of the Judicial Conference **Committee to Review** Circuit Council Conduct and Disability Orders contained in the **1997-2006** Reports of the Judicial Conference Proceedings .....C:1771
- 179. **Announcement** of **November 17, 2005**, of the new and continuing members of the **Committee** on Judicial Conduct .....C:1821
- 180. Federal **judges** have **no** grant of **immunity** from the Constitution: In a system of "equal justice under law" they must be **liable to prosecution** as defendants in a class action like anybody else .....C:1823
- 181. -200 reserved

Dated: November 1, 2006

59 Crescent Street  
Brooklyn, NY 11208-1515

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VI. Table of Authorities Cited (AuC:#) whose text is in downloadable PDF files (click on the Bookmarks tab to navigate easily through the files)

**A. Constitution of the U. S.**

The Constitution of the United States with Index and Declaration of Independence  
The Amendments to the Constitution

**B. Statutes**

- 1) 11 U.S.C. Bankruptcy
  - a) 11 U.S.C. Bankruptcy Code (whole title as of January 19, 2004)
  - b) 11 U.S.C. Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (BAPCPA)
  - c) Report of the Committee on the Judiciary, House of Representatives to accompany S. 256 together with Dissenting, Additional Dissenting, and Additional Minority Views
- 2) Excerpts from 18 U.S.C.
  - 18 U.S.C. §§151-158. Bankruptcy Crimes
    - Sec. 151. Definition
    - Sec. 152. Concealment of assets; false oaths and claims; bribery
    - Sec. 153. Embezzlement against estate
    - Sec. 154. Adverse interest and conduct of officers
    - Sec. 155. Fee agreements in cases under title 11 and receiverships
    - Sec. 156. Knowing disregard of bankruptcy law or rule
    - Sec. 157. Bankruptcy fraud
    - Sec. 158. Designation of United States attorneys and agents of the Federal Bureau of Investigation to address abusive reaffirmations of debt and materially fraudulent statements in bankruptcy schedules
  - 18 U.S.C. §1519. Destruction, alteration, or falsification of records in Federal investigation and bankruptcy
  - 18 U.S.C. §§1961-1968 Racketeer Influenced and Corrupt Organizations (RICO)
    - Sec. 1961. Definitions.
    - Sec. 1962. Prohibited activities.
    - Sec. 1963. Criminal penalties.
    - Sec. 1964. Civil remedies.

Sec. 1965. Venue and process.

Sec. 1966. Expedition of actions.

Sec. 1967. Evidence.

Sec. 1968. Civil investigative demand.

18 U.S.C. §3057. Bankruptcy investigations

18 U.S.C. §3284. Concealment of bankrupt's assets

18 U.S.C. §3571. Sentence of fine

3) 28 U.S.C. Judiciary & Judicial Procedure (whole Title as of January 19, 2004)

28 U.S.C. §§151-158. Bankruptcy judges

Sec. 151. Designation of bankruptcy courts.

Sec. 152. Appointment of bankruptcy judges.

Sec. 153. Salaries; character of service.

Sec. 154. Division of business; chief judge.

Sec. 155. Temporary transfer of bankruptcy judges.

Sec. 156. Staff; expenses.

Sec. 157. Procedures.

Sec. 158. Appeals. Sec. 158. Appeals [as amended by BAPCPA of 2005]

28 U.S.C. §331. Judicial Conference of the United States

28 U.S.C. §332. Judicial councils of circuits

28 U.S.C. §§351-364. Judicial Conduct and Disability Act of 1980

Sec. 351. Complaints; judge defined

Sec. 352. Review of complaint by chief judge

Sec. 353. Special committees

Sec. 354. Action by judicial council

Sec. 355. Action by Judicial Conference

Sec. 356. Subpoena power

Sec. 357. Review of orders and actions

Sec. 358. Rules

Sec. 359. Restrictions

Sec. 360. Disclosure of information

Sec. 361. Reimbursement of expenses



Sec. 362. Other provisions and rules not affected

Sec. 363. Court of Federal Claims, Court of International Trade, Court of Appeals for the Federal Circuit

Sec. 364. Effect of felony conviction

28 U.S.C. §453. Oaths of justices and judges

28 U.S.C. §455. Disqualification of justice, judge, or magistrate judge

28 U.S.C. §586. Trustees' duties; supervision by Attorney General

28 U.S.C. §753. Court Reporters

28 U.S.C. §2071. Rules of courts; power to make them

### **C. National Procedural Rules** (as of December 1, 2005)

1. Rules of the Supreme Court of the United States
2. Federal Rules of Appellate Procedure
3. Federal Rules of Civil Procedure
4. Federal Rules of Bankruptcy Procedure
  - a. FRBkrP amended by Bankruptcy Abuse Prevention & Consumer Protection Act of 2005
5. Federal Rules of Evidence

### **D. Local Procedural Rules**

6. Local Rules of the Court of Appeals, Cir. 2
7. Local Civil Rules of Procedure, WDNY
8. Local Bankruptcy Rules, WBNY

### **E. Complaint Rules**

9. Rules of the Judicial Conference of the United States for the Processing of Petitions for Review of Judicial Council Orders Under the Judicial Conduct and Disability Act
10. Rules of the Judicial Council of the Second Circuit Governing Complaints Against Judicial Officers under 28 U.S.C. §351 et seq.

### **F. Code of Federal Regulations**

11. Title 28: Judicial Administration: Part 58.1-6—Regulations Relating To The Bankruptcy Reform Acts of 1978 And 1994

## **G. Code of Conduct for US Judges**

12. Code of Conduct for United States Judges

## **H. Trustee Manual**

13. U.S. Trustee Manual Volume 2: Chapter 7 Case Administration

## **I. Judicial Conference Committee to Review Circuit Council Conduct and Disability Orders**

14. The **15 decisions** of issued by the Review Committee **since** the adoption of the Judicial Conduct and Disability Act of **1980**

## **J. Standards of Professional Responsibility**

### **1) For Lawyers**

15. ABA Model Code of Professional Responsibility (August 1980)
16. ABA Model Code of Rules of Professional Responsibility (2004)
  - a. States applying either the ABA Model Code or the Model Rules
17. New York Lawyer's Code of Professional Responsibility (as of January 1, 2002)

### **2) For Journalists**

18. The New York Times Statement on Integrity
19. Washington Post Standards and Ethics, February 17, 1999
20. Jim Lehrer's Rules of Journalism
21. American Society of Newspaper Editors Statement of Principles

Blank

VII. Tables pointing to the roles played by persons and entities involved in the 11 underlying cases

**A.1. Contact information with references to exhibits for background to investigatees: organized alphabetically** (see these entries in more detail and organized by categories at TOEC:271)

**Administrative Office** of the U.S. Courts  
 Office of the General Counsel  
 One Columbus Circle, NE, Suite 7-290  
 Washington, DC 20544  
 tel. (202) 502-1100; fax (202) 502-1033  
<http://www.uscourts.gov/adminoff.html>  
 (C:685, 1120)

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 Special Agent in Charge  
 FBI Buffalo  
 7800 One FBI Plaza  
 Buffalo, NY 14202-2698  
 tel. (716) 856-7800; fax (716)843-5288  
<http://buffalo.fbi.gov/>  
 (C:1550)

**Allen, Patricia Chin-**  
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 Court of Appeals for the Second Circuit  
 40 Foley Square, Room 1802  
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 tel. (212)857-8702  
 (C:62, 71, 73, 109, 315; cf. 316; 326)

**Attorney General Alberto Gonzales**  
 U.S. Department of Justice  
 950 Pennsylvania Avenue, NW  
 Washington, DC 20530-0001  
 main switchboard: 202-514-2000  
 Off. of the Att. Gen.: 202-353-1555  
<http://www.justice.gov/index.html>  
[http://www.justice.gov/usao/offices/usa\\_listings2.html#n](http://www.justice.gov/usao/offices/usa_listings2.html#n)

**Arbur, Cathy**  
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 Public Information Office  
 Supreme Court of the United States  
 1 First Street, N.E.  
 Washington, D.C. 20543  
 tel. (202)479-3050. (202)479-3000  
 (C:573, 980.k;  
TOEC:>C:980.x>Comment; A:1601)

**Bankruptcy Court (Buffalo)**

U.S. Bankruptcy Court, WBNY  
Olympic Towers, 300 Pearl St., Suite 250  
Buffalo, NY 14242  
tel. (716) 551-4130; fax (716)551-5103  
<http://www.nywb.uscourts.gov/>  
(official directory at ToEC:90)

**Bankruptcy Court (Rochester)**

U.S. Bankruptcy Court, WBNY  
1400 U.S. Courthouse  
100 State Street  
Rochester, NY 14614  
tel. (585) 613-4200; fax (585)613-4299  
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(C:1551, 1552, 1562-1566, 1568, 1601)

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(Add:531; Pst:1289§f)  
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258-282  
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(ToEA:153§7; A:431, 967)

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(C:1559)

**Breyer, Justice Stephen**

(see Judicial Conduct and Disability Act  
Study Committee)

**Burchill, William, Esq.**

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(A:353-9/14; 109fn.8)

**Chris**

(son of manager of James Pfuntner's  
warehouse; see Ormand, John)

**Committee to Review** Circuit Council  
Conduct and Disability Orders  
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tel. (202) 502-1100; fax (202) 502-1033  
(C:889, 896, 935, 936, 967, 968; C:973,  
T<sub>o</sub>E<sub>C</sub>:980.k and Comment thereunder)

**Complaints, judicial misconduct,  
statistics**

(C:973; T<sub>o</sub>E<sub>C</sub>:107; see also Judicial  
Conduct and Disability Act Study  
Committee)

**Committees on the Judiciary, U.S.  
Congress**  
(C:1354; cf. C:1352, 1353)

**U.S. House** of Representatives  
Committee on the Judiciary  
2138 Rayburn House Office Building  
Washington, D.C. 20515  
tel. (202) 225-3951  
<http://judiciary.house.gov/>

**U.S. Senate**  
Judiciary Committee  
224 Dirken Senate Office Building  
Washington, D.C. 20510

tel. (202) 224-5225; fax: (202) 224-9102  
<http://judiciary.senate.gov/>

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40 Foley Square, Room 1802  
New York, NY 10007  
tel. (212) 857-8500  
<http://www.ca2.uscourts.gov/>

**Creditors, financial institutions, and  
others**  
(C:583, 1354, 1464, 1481, 1488; D:324)

**Damuro**, Pasquale J.  
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FBI New York  
26 Federal Plaza, 23rd. Floor  
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emergency (212)384-5000]  
<http://newyork.fbi.gov/>  
(C:1331, 1348, 1391, 1396)

**DeLano, David G. and Mary Ann**  
1262 Shoecraft Road  
Webster, NY 14580  
Tax id. Nos. 077-32-3894; 091-36-0517)  
(debtors in *In re DeLano* who filed  
under Ch. 13, Adjustment of debts of  
individuals with regular income  
(D:23-60; C:1296¶¶9-16; 1415; 1469-  
1479)

**DeLano, David**  
M&T Bank Assistant Vice President  
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(3rd party defendant in *Pfuntner*  
(A:82, 87; Pst:1285¶70);  
bkr. petitioner in *DeLano* (D:23-60)  
defendant in *Cordero v. DeLano*  
(Pst:1281§§d-f))

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(C:859, 865)

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(A:469, 457, 461, 462, 1370§D)

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[http://www.usdoj.gov/ust/eo/ust\\_org/office\\_locator.htm](http://www.usdoj.gov/ust/eo/ust_org/office_locator.htm)

**Federal Bureau of Investigations**

J. Edgar Hoover Building  
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<http://www.fbi.gov/>

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( C:1152, 1153, 1166)

**Friedman, Lawrence A.**

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United States District Court  
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tel. (585) 263-6263  
(A:467a, 456, 460, 462, 1370SD)

**Ginsburg, Justice Ruth**  
Circuit Justice for the 2<sup>nd</sup> Circuit  
Supreme Court of the United States  
1 First Street, N.E.  
Washington, D.C. 20543  
tel. (202)479-3000  
(C:110, 855, 857)

**Gordon, Kenneth W., Esq.**  
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(A:1, 2, 8, 19, 37, 83§F, 88§C; T<sub>o</sub>E<sub>C</sub>:91  
cases: 3,092 increased to 3,383)

**Heller, Art (Arthur), Esq.**  
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Calendar Office  
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40 Foley Square  
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(C:360; A:1041, 1042, 1181, 1193; D:285, 297)

**Hogan, Chief Judge Thomas F.**  
**Chair of the Executive Committee of the**  
Judicial Conference  
U.S. District Court for the District of Columbia  
333 Constitution Avenue, NW  
Washington, DC 20001  
tel. (202) 354-3000  
(C:1177, 1178, 1179; T<sub>o</sub>E<sub>C</sub>:>C:1271>comment)

**Hatch, Chairman Orrin G.**  
U.S. Senate, Judiciary Committee  
224 Dirksen Senate Office Building  
Washington, DC 20510  
tel. (202) 224-5251; fax: (202) 224-6331  
(C:1353)

**Internet links** to all federal courts

<http://www.uscourts.gov/courtlinks/>  
(C:852)

**Jacobs**, CA2 Judge Dennis  
Court of Appeals for the Second Circuit  
40 Foley Square, Room 1802  
New York, NY 10007  
tel. (212) 857-8500  
(next eligible chief judge)  
C:111, 145, 316, 391, 1285, 1317)

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(A:81, 88; 353-2; 108fn.5-8)

**Judicial Conduct and Disability  
Act Study Committee**

Justice Stephen Breyer, Chairman  
Supreme Court of the United States  
1 First Street, N.E.  
Washington, D.C. 20543  
tel. (202) 479-3211  
[http://www.supremecourtus.gov/publicinfo/press/pr\\_04-13-04.html](http://www.supremecourtus.gov/publicinfo/press/pr_04-13-04.html)  
(Stat. of Facts 10¶32; C:973, ToEC:980.k  
and Comment thereunder)

**Judicial Conference** of the United States  
Administrative Office of the U.S. Courts  
Office of the General Counsel  
One Columbus Circle, NE, Suite 7-290  
Washington, DC 20544  
tel. (202) 502-1100; fax (202) 502-1033

<http://www.uscourts.gov/judconfindex.html>

- a) tables and reports (C:566, 567, 568)
- b) petition to review Judicial Council dismissals (C:823, 899;  
ToEC:>C:862>Comment)
- c) letters & tables of members contacted (C:822, 851, 856-858, 865, 872, 875, 896, 897, 935)
- d) how to update the table of members (C:852)
- e) on Reporter Dianetti (C:1081, 1082, 1083, 1115)
- f) on Trustee Reiber and bankruptcy fraud scheme (C:1127, 1151)

**Judicial Council** of the Second Circuit  
Court of Appeals for the Second Circuit  
40 Foley Square, Room 1802  
New York, NY 10007

- tel. (212)857-8700; fax (212)857-8680
- a) tables of names, addresses, and telephone numbers of the members of the Judicial Council:
    - 1) displayed in tabular format for mail merge (C:774)
    - 2) displayed as block addresses (C:112)
  - b) official information about the Judicial Council (C:775) <http://www.ca2.uscourts.gov/>
  - c) table of CA2 judicial misconduct orders (C:564; cf. C:973, ToEC:980.k and Comment thereunder)
  - d) disregarded request for abrogatory review of WDNY Local Rule inconsistent with FRCivP (C:1285, 1286, 1291, 1317)

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(C:1345, 1391-1395, 1511, 1512)

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(A:1654§B; T<sub>o</sub>E<sub>C</sub>:>C:1108>comment;  
C:1303§B, 1313, 1173§II; T<sub>o</sub>E<sub>C</sub>:§VII.D  
Table 4; T<sub>o</sub>E<sub>C</sub>:>C:1108>Comment)  
District judges' decisions at  
<http://www.nywd.uscourts.gov/decision/decision.php> to be searched  
for patterns and inconsistencies

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(C:325, T<sub>o</sub>E<sub>C</sub>>C:325 and Comment;  
C:491, 492, 510)

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(D:90§VII, 137, 139, 141, 158, 307, 330)

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(defendant and cross-defendant in *Pfuntner*  
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(A:83, 87§III.A))

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(C:143, 466, 508, 511, 513, 811, 982, 998,  
1024, 1066; T<sub>o</sub>E<sub>C</sub>:>C:513>comment,  
>C:1024>comment)

**Ninfo**, Bkr. Judge John C., II  
United States Bankruptcy Court  
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Rochester, NY 14614  
tel. (585) 613-4200; fax (585)613-4299  
(Official directory at T<sub>o</sub>E<sub>C</sub>:89)  
a) misconduct complaint (C:1, 63; E:1-60)  
b) evidence of bias and disregard for rule of law (C:951, 1313; A:801; D:231; Pst:1269§§a-d)  
c) motions to recuse (A:674; D:355)  
d) List of hearings and decisions presided over or written by Judge Ninfo, in *Pfuntner* and *DeLano*, as of May 10, 2006 (C:1110)

- e) failure to investigate (T<sub>o</sub>E<sub>C</sub>:§VII.E Table 4; Add:1051§II)
- f) Judge Ninfo's decisions at <http://www.nywb.uscourts.gov/decisions/jcn.php> to be searched for patterns and inconsistencies

**Ormand**, John  
(Manager of James Pfuntner's warehouse in Avon, NY  
Chris, John Ormand's son  
tel. (585)226-8303  
(A:500¶2 et seq.; 503; 520¶49 et seq.)

**PACER** (Public Access to Court Electronic Records)  
<http://pacer.psc.uscourts.gov/>;  
cf. <https://ecf.nywb.uscourts.gov/cgi-bin/login.pl>  
(Stat. of Facts 2¶¶2, 11, 19, 33b)

**Palmer**, David  
Premier Van Lines, Inc., owner  
1829 Middle Road  
Rush, NY 14543  
Tax id. no. 065-62-2753  
(A:72¶10 et seq., 78§A, 88§B, 290-295, 351)

**Premier Van Lines, Inc.**  
c/o David Palmer  
1829 Middle Road  
Rush, NY 14543  
(storage and moving company)  
Tax id.: 16-1542181 (A:565)

**Pfuntner, James**  
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a. Owner of the warehouse in Avon and  
Plaintiff in *Pfuntner*  
(A:18a, 21, 22, 56, 492, 510)  
b. Western Empire Truck Sale, owner  
2926 West Main Street  
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c. Western Empire Storage, owner  
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(C:851, 865, 872, 897, 971, 1121, 1122;  
1115, 1082; T<sub>o</sub>E<sub>C</sub>:>C:1384>Comment)

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(D:79§§ I&II, 92§C; Add:1041§I; C:1052-  
1054; T<sub>o</sub>E<sub>C</sub>:§VII.E Table 4; 3,909 *open cases*,  
T<sub>o</sub>E<sub>C</sub>:01)

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110/2-8, 110/23-111/4, 113/2-10,  
115/4-17, 119/4-14, 121/9-17)

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(A:37, 38, 52, 102; D:84§IV; D:160, 307,  
470, 471, 474; T<sub>o</sub>E<sub>C</sub>:§VII.E Table 4)

**Schwartz, Carolyn S.**

United States Trustee for Region 2  
3 Whitehall Street, Suite 2100  
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tel. (212)510-0500; fax: (212)668-2256  
(A:101, 102)

**Sensenbrenner, Chairman F. James Jr.,**

U.S. HR Committee on the Judiciary  
U.S. House of Representatives  
2138 Rayburn, House Office Building  
Washington, DC 20515  
U.S. Senate News Advisory, Contact:  
Jeff Lungren/Terry Shawn  
tel. (202)225-2492  
[www.house.gov/judiciary](http://www.house.gov/judiciary)  
(C:576, 1352; T<sub>o</sub>E<sub>C</sub>>C:1352>Comment)

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tel. (585) 613-4223  
(T<sub>o</sub>E<sub>A</sub>:§B.7)

**Stilwell, Raymond C., Esq.**

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tel. (585)248-3800; fax (585)248-4961  
(Attorney for Premier & David Palmer)  
(A: 353-5, 341, 565)

**Supreme Court** of the United States

1 First Street, N.E.

Washington, D.C. 20543

tel. (202)479-3211

(see also Arbur, Cathy, and Turner, Ed,

tel. (202)479-3050, (202)479-3000)

**Teitsworth, Roy**

Auctioneer

6502 Barber Hill Road

Geneseo, NY 14454

tel. (585)243-1563; fax (585)3311

<http://www.teitsworth.com/>

(hired by Trustee Gordon in *Premier*)

(A:431, 576/97, 967, 986; ToEA:153§7)

**Turner, Ed**

Deputy Public Information Officer

Public Information Office

Supreme Court of the United States

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Washington, D.C. 20543

tel. (212)479-3211

**Tyler, Bradley E., Esq.**

U.S. Attorney in Charge

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tel. (585)263-6760; fax (585)263-6226

(C:1512, 1513, 1546, 1547)

**U.S. Attorney's Office** for SDNY

One St. Andrews Plaza

New York, NY 10007

tel. (212)637-2200; fax (212)637-2611

<http://www.justice.gov/usao/nys/>

(see also Kelley, David N., Esq.)

(C:1345, 1391-1395, 1511, 1512;

**U.S. Congress**

(see Committees on the Judiciary)

[www.house.gov/judiciary](http://www.house.gov/judiciary)

<http://judiciary.senate.gov/index.cfm>

(C:1354; cf. C:1352, 1353)

**Werner, Christopher K., Esq.**  
Boylan, Brown, Code  
Vigdor & Wilson, LLP  
2400 Chase Square  
Rochester, NY 14604  
tel. (585) 232-5300; fax (585) 232-3528  
<http://www.boylanbrown.com/>  
(DeLanos' attorney in their  
bankruptcy case *In re DeLano*)  
(D:218, 249, 287, 313; 320§II, 325;  
D:259; Pst:1288§§e-f; C:1059,  
ToEC:>C:1060> Comment,  
>1064>Comment; out of his 575  
cases, 525 before Judge Ninfo,  
ToEC:91)

**Walker, Chief Judge John M., Jr.**  
Court of Appeals for the Second Circuit  
40 Foley Square, Room 1802  
New York, NY 10007  
tel. (212) 857-8500  
(C:105, 109, 271, 303, 337, 359, 360, 361,  
389, 393; ToEC>C:393>Comment)

**Warren, Paul R.**  
Bankruptcy Clerk  
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1400 United States Courthouse  
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(C:1166, A:303; 334, 337, ToEA:§B.7)

**Weidman, James, Esq.**  
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3136 S. Winton Road, Suite 206  
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tel. (585) 427-7225; fax (585) 427-7804  
(attorney for Trustee Reiber)  
(D:79§§ I&II)



## **A.2. Official Directory of the Bankruptcy Court in Rochester and Buffalo, NY**

### **Rochester - Judge John C. Ninfo II - Chambers Staff**

Andrea Siderakis	Judicial Assistant	(585) 613-4200
Megan Dorr	Law Clerk	(585) 613-4200

### **Administrative Section**

Paul R. Warren	Clerk of Court	(585) 613-4200
Todd M. Stickle	Deputy-in-Charge	(585) 613-4223

### **Operations Section**

### **Chapter 7 + 13**

BK Case # Range

Torry Hirsch	Supervisor	(585) 613-4200	91-96
Jane Murphy	Data Quality Analyst/Trainer	(585) 613-4200	97-99
Tina Folwell	Case Manager	(585) 613-4200	00-10
Lisa Lawson	Case Manager/Trainer	(585) 613-4200	11-21
Ginny Wheeler	Case Manager	(585) 613-4200	22-32
Amy Andrews	Case Manager	(585) 613-4200	33-43
Carm Capogreco	Case Manager	(585) 613-4200	44-54
Annette Lampley	Case Manager	(585) 613-4200	55-65
Judy Middleton	Case Manager	(585) 613-4200	66-76
Paula Finucane	Case Manager	(585) 613-4200	77-83 + odd numbered A.P. cases
Karen Tacy	Case Manager	(585) 613-4200	84-90 + even numbered A.P. cases
Lorraine Parkhurst	Courtroom/Calendar Deputy	(585) 613-4200	

**NOTE:** Chapter 11 case assignments are rotated among Tina, Lisa, Ginny, Amy, Carm, Annette and Judy.

### **Intake/Financial Section**

Michele Telesca	Intake Clerk	(585) 613-4200
Maggie Clifford	Intake Clerk	(585) 613-4200

**Buffalo - Judge Michael J. Kaplan - Part I Chambers Staff**

Christine Klimko	Judicial Assistant	(716) 551-4208
Robert Spampata	Law Clerk	(716) 551-4534

**Buffalo - Judge Carl L. Bucki - Part II Chambers Staff**

Marcia Bannister	Judicial Assistant	(716) 551-4206
Adolph Iannacone	Law Clerk	(716) 551-4128

**Buffalo - Administrative Section**

Paul R. Warren	Clerk of Court	(716) 551-4130
Michelle A. Pierce	Chief Deputy	(716) 551-4096
JoAnn R. Walker	Deputy-in-Charge	(716) 551-4130, Ext. 120

**Financial/Intake Section****(716) 551-4130**

		Extension
Rachel L. Curtin	Financial Administrator	121
Melissa Frieday	Procurement & Property Specialist	125
Delphine D. Bibbs	Financial Assistant	151
Arthur Hill	Intake Clerk	118
Marie Czaja	Intake Clerk	126
Heidi Gerace	Intake Clerk	136
Steven Pinto	Intake Clerk	166

**Operations Section****(716) 551-4130**

		Extension	BK Case # Range
Joan Sturckler	Case Manager	152	1-10
Mike Pinto	Case Manager/Trainer	117	11-17
Shirley Illig	Case Manager	112	18-27
Pat Hostettler	Case Manager	154	28-37
Julie Toms-Fago	Case Manager/Trainer	165	38-44
Judy Leidolph	Case Manager	141	45-54
Mary Grace Bessinger	Case Manager	122	55-64
Jeanette Rodriguez	Case Manager/Trainer	124	65-72
Deanne Phair	Case Manager	161	73-82
Lisa Czaja	Case Manager/Trainer	115	83-90
Kathy Lafferty	Case Manager	110	91-00
Lois LaBelle	Data Quality Analyst	111	Zacker + Legacy cases

**NOTE:** Adversary Proceedings are handled by Bankruptcy Case Number (last two digits) as follows:

Mike Pinto	1-37	Lisa Czaja	38-64	Jeanette Rodriguez	65-100
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**Information Technology Section****(716) 551-4130**

		Extension
Jeffrey Brown	Unix Database Administrator	159
Bill Powers	IT Specialist/Programmer	155
Marc Fruth	IT Specialist	167
Mathew Abbate	Automation Support Specialist	158

**B. Searches on PACER for two trustees and one bankruptcy attorney and its return of docket information about, and hyperlinks to, their more than 7,800 cases before Judge Ninfo**

1. Chapter 13 Trustee George M. **Reiber**, trustee in (cf. C:1403)  
*David and Mary Ann DeLano*, no. 04-20280, WBNY
  - a) as of April 2, 2004
    - 1) as trustee 3,909 open cases (links to cases (through MS Word documents))
      - (i) 3,907 cases before Bankruptcy Judge John C. Ninfo, II, WBNY
      - (ii) 2 cases before another judge
  
2. Chapter 7 Trustee Kenneth W. **Gordon**, trustee in (cf. C:1406)  
*In re Premier Van Lines, Inc.*, no. 01-20692, WBNY, and defendant in *Pfuntner v. Trustee Gordon et al.*, no. 02-2230, WBNY
  - a) as of June 26, 2004
    - 1) as trustee 3,383 cases (links to cases)
    - 2) as attorney 142 cases (links to cases)
    - 3) as party 76 cases (links to cases)
  - b) as of November 4, 2003
    - 1) as trustee 3,092 cases (links to cases)
    - 2) as attorney 127 cases (links to cases)
    - 3) as party 75 cases (links to cases)
  - c) as of October 1, 2003
    - 1) as trustee 969 closed cases (links to cases)
    - 2) as trustee 306 open cases (links to cases)
  
3. Christopher K. **Werner**, Esq., attorney for the DeLano Debtors (Pst:1281§c)
  - a) as of February 28, 2005<sup>1</sup>
    - 1) as attorney 525 out of his 575 cases before J. Ninfo (links to cases)

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<sup>1</sup>This was the eve of the sham evidentiary hearing (Pst:1125§d-f) where Judge Ninfo granted Att. Werner's motion to disallow Dr. Cordero's claim against Mr. DeLano, which arose in *Pfuntner*. Through that artifice, Att. Werner and Judge Ninfo managed to strip Dr. Cordero of standing to participate further in *DeLano* so that he could not keep

requesting that the DeLanos produce documents to support their bankruptcy petition, which could reveal that they had engaged in concealment of assets in the context that they had all created and supported, namely, a bankruptcy fraud scheme.

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**C. List of tables interspersed among the exhibits of all Tables of Exhibits**

1. **Main Papers** in *In re Premier Van et al.*, docket no. 03-5023, CA2, with the numbers of the pages where they appear in the Appendix [cf. A:#] to Dr. **Cordero's** opening brief in **CA2** (C:171).....C:301
2. Table of **CA2 Judicial Misconduct Orders**: orders made **available** to Petitioner Dr. **Cordero** on **July 1, 2004**, by CA2, (listed in the order in which they were found in the CA2 2003 binder).....C:564
3. Table of **All 15 Memoranda and Orders** issued by the **Judicial Conference** of the United States Committee to Review Circuit Council Conduct and Disability Orders (text at C:1611) **since** the adoption of the **Judicial Conduct and Disability Act of 1980** and sent in May and July 2004 to Dr. Cordero from the General Counsel's Office of the Administrative Office of the U.S. Courts [cf. C:681] .....C:566
4. Tables of the **1997-2005 Reports of Complaints** Filed and Action Taken Under Authority of 28 U.S.C. §§351-364 and 372(c) During the 12-Month Period Ending September 30, [of the year reported on], in **Judicial Business of the United States Courts, Annual Reports of the Director**, by Leonidas Ralph Mecham, Director of the **Administrative Office** of the U.S. Courts, <http://www.uscourts.gov/judbususc/judbus.html> .....C:973
5. Table of all of Judge **Ninfo's orders** in *Pfuntner* and *DeLano* [updated to December 9, 2005] ..... C:984§II
6. List of **hearings** presided over by Judge **Ninfo** in *Pfuntner v. Trustee Gordon et al*, docket no. 02-2230, and *In re David and Mary Ann DeLano*, docket no. 04-20280, WBNY, as of December 9, 2005 .....C:993
7. List of **orders** written by J. **Larimer**, WBNY, in *Cordero v. Tr. Gordon, - v. Palmer*, and - *v. DeLano* showing a **pattern of disregard** for the law, gross **mistakes** of facts, and **laziness** that denies due process; as of July 21, 2006.....C:1278
8. Table **Comparing Claims** on Debtors David and Mary Ann **DeLano**, with reference to the **documents** produced by the **DeLanos** on which the Table was based (see ToEC:>C:1415 et seq.) such as their IRS forms for fiscal years 2001-2003 (C:1499) .....C:1415
9. **Summary** of the **Schedules A-J** of the DeLanos' bankruptcy petition and plan of debt repayment, no. 04-20280, WBNY, of January 27, 2004.....C:1435

10. List of **documents of the DeLano Debtors** as obviously **necessary** for the investigation of their bankruptcy fraud, particularly the search of their concealed assets, as the statements of their bank accounts .....Add:977

[**Comment:** The refusal to produce or order the production of those documents (10) given the incongruencies and implausibility of the declarations in the petition (9) is a key means in maintaining as well as revealing the bankruptcy fraud scheme. Indeed, not only does such refusal allow the DeLanos to conceal their assets, but it also points to the support of such concealment by judges and trustees. All these people's repeated refusal with disregard for the law, the rules, and the facts forms a pattern of non-coincidental, intentional, and coordinated wrongful acts, that is, the bankruptcy fraud scheme. Wrongful conduct by judges that supports that scheme as if they were immune to the negative consequences of violating the rule of law is what gives rise to the questions whether a federal judgeship is a safe haven for wrongdoing and, if so, how high and to what extent wrongdoing has reached.

The above-mentioned list of requested documents (10) was contained in the proposed order of August 23, 2005 (Add:977) whose contents Dr. Cordero requested therein or in similar proposed orders or lists, from the following parties or officers, who reacted thus:

1. District Judge David Larimer, WDNY, denied it summarily (Add:1021);
- 2 Bankruptcy Judge John C. Ninfo, II, WBNY, who had denied its counterpart (D:208, 289§C, 323¶30.a, 328¶2) in violation of his duty under 11 U.S.C. §1325(a)(3) to ascertain that the DeLanos' request for relief (C:1415-1468) from their debts was made in good faith, which had been cast in doubt by Dr. Cordero's evidence of fraud by the DeLanos; I
3. Trustee George Reiber, Assistant U.S. Trustee Kathleen Dunivin Schmitt, and U.S. Trustee for Region 2 Deirdre A. Martini refused to produce the documents in similar lists requested by Dr. Cordero, who was and remains "a party in interest" (cf. Add:1118§IV), requested such documents as early as March 2004 (D:65§III and IV, 94§VIII), and kept requesting them while those trustee kept violating their duty under 11 U.S.C. §704(4) and (7), to order their production or even to reply to his requests (Add:682, 683, 685)];
4. the DeLanos, of course, had denied *every single document* that Dr. Cordero requested of them (D:287, 313, 325, 327);
5. the judges of CA2 (T0EC:§V.A & B) and the Judicial Circuit, 2<sup>nd</sup> Cir., (T0EC:§V.C, D, J) baffled every expectation by refusing even to look into the evidence of a bankruptcy fraud scheme, let alone request any documents; on the contrary, they reappointed Judge Ninfo to a new term as bankruptcy judge (T0EC:§V.H).]



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**D. List of reproduced tables**

**Table 1.** of key documents and dates of Dr. Cordero’s complaints to CA2 Chief Judge, the Judicial Council, 2nd Cir., and the Judicial Conference of the United States .....T<sub>o</sub>E<sub>C</sub>:107

**Table 2.** Contempt for the law and litigants’ rights shown in the **dismal quality** of the **work** produced by **Judges Larimer** and **Ninfo** and accepted by them from **lawyers** and **clerks** .....T<sub>o</sub>E<sub>C</sub>:109

**Table 3.** The DeLanos’ **over \$670,000** in receipts + **\$98,000** in credit card borrowing **unaccounted for** due to the judges’ refusal to require production of documents supporting their declaration in Schedule B (D:31) that at the **time of filing** their bankruptcy petition they **only** had **\$535 in hand** and on account!.....T<sub>o</sub>E<sub>C</sub>:110

**Table 4.** Officers that have **disregarded** their statutory duty to **investigate** the **DeLano** Debtors.....T<sub>o</sub>E<sub>C</sub>:111

August 1, 2006  
59 Crescent Street  
Brooklyn, NY 11208

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# Table 1. Key Documents and Dates of the Judicial Misconduct Complaints

dockets no. 03-8547 and 04-8510

filed with

the CA2 Chief Judge, the Judicial Council of the Second Circuit, and the Judicial Conference of the U.S.  
as of August 1, 2006

by

**Dr. Richard Cordero**

Judicial misconduct complaint about WDNY Bankruptcy Judge John C. Ninfo, II, docket no. 03-8547

Judicial misconduct complaint				Petition for review: to Judicial Council, Cir. 2					
Submission	Resubmission	Acknowledgment	Dismissal	Submission	Resubmission	Acknowledgment	Letter	Update	Denial
August 11, 3	August 27, 3	Sept 2, 3	June 8, 4	July 8, 4	July 13, 4	July 16, 4	July 30, 4	August 27, 4	Sep 30, 4
[C:1]	[C:63]	[C:73]	[C:145]	[C:551]	[C:623]	[C:651]	[C:652]	[C:659]	[C:672]

Judicial misconduct complaint about CA2 C.J. John M. Walker, Jr., dkt no. 04-8510

Judicial misconduct complaint				Petition for review: to Judicial Council, Cir. 2					
Submission	Resubmission	Acknowledgment	Dismissal	Submission	Acknowledgment	Exhibits to Jud. Coun.	Denial	Fraud report request	Request returned
Mar 19, 4	Mar 29, 4	Mar 30, 4	Sept 24, 4	Oct 4, 4	Oct 7, 4	Oct 14, 4	Nov 10, 4	Nov 29, 4	Nov 29, 4
[C:271]	[C:271, 316]	[C:326]	[C:391]	[C:711]	[C:716]	[C:717]	[C:781]	[C:782]	[C:811]

Petition for review  
as to both denials

To Judicial Conference			
Submission	Refusal	Request to: members CJ Rehnquist	
Nov 18, 4	Dec 9, 4	Dec 18, 4	Mar 7, 5
[C:821]	[C:859]	[C:865]	[C:897]

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Table 2. Contempt for the law and litigants' rights shown in the dismal quality of the work produced by Judges Larimer and Ninfo and accepted by them from lawyers and clerks ([hyperlink bank](#))

	<b>Officer of the court &amp; type of work</b>	<b>References to work produced or accepted</b>	<b>Comment</b>
1.	Judge Larimer and his orders (C:1278)	Add:692, 831, 839, 991, 1019, 1021, 1092, 1155 Pst:1214	He rarely cites and never analyzes the law or the rules, and never discusses the motions on which he rules, which he dismisses so frequently with a lazy "has no merits and is denied in all respect" , which points to his not even reading them (Add:609§B, 1084§II); when he ventures beyond an offhand dismissal, his orders are sloppy because of grave mistakes of law and fact.
2.	Judge Ninfo and his orders (C:993)	D:3; 220, 272, 327, 332; Add:719, 725, 729, 731, 741, 749	His orders are equally devoid of legal reasoning and damned by any botched attempt at citing authority (Pst:1293§i) so that they are conclusory fiats; or worse yet, knee-jerk reactions kicked out before receipt of any answer from the other parties, as shown by the chain of events in Add:1038→1065→1066→1094→1095→1125→→1126. (cf. C:1307¶44)
3.	<i>Über</i> -experienced Trustee Reiber (D:431§C; Add:891/Table)	Add:937-939	He submitted shockingly unprofessional and perfunctory scraps of papers to confirm the DeLanos' debt repayment plan, which Judge Ninfo approved as "the Trustee's Report" (Add:941/2 <sup>nd</sup> ¶; cf. 1041§I, 1094), as did Judge Larimer (Add:953§I, 980¶d, 1022/last¶; cf. 1055§B).
4.	Christopher Werner, Esq., the DeLanos' attorney in the bankruptcy case <i>DeLano</i> Michael Beyma, Esq., Mr. DeLano's attorney in <i>Pfuntner</i> and partner in Underberg & Kessler, the law firm of which Judge Ninfo was a partner before becoming a judge	Pst:1281§c; D:118, 205, 211 & 214-216, 271, 314, 325; Add:936, 988, 1069	He writes back-of-napkin like statements with no discussion of the law, the facts, or the opposing party's arguments, so imitative of the Judges' own orders; hence Judge Ninfo found it unobjectionable that: 1) Att. Werner, who, according to PACER, at the time had appeared before Judge Ninfo in 525 cases, appeared at the evidentiary hearing on March 1, 2005, of his motion to disallow Dr. Cordero's claim without having read the claim or brought a copy of it (Pst:1288§e; Tr:54/6-55/5, 64/10-66/18, 124/4-20, 137/8-21, 143/17-145/13); and 2) Attorneys Werner and Beyma suborned perjury by signaling and mouthing answers to Mr. DeLano while on the stand during that evidentiary hearing (Pst:1289§f).

5.	Clerks of court	C:1304¶¶35 & 45; D:106, 232§§I & II, 397§1, 416§F, 476, 495; Add:832	Their disregard for the rules that they are supposed to apply shows participation in a pattern of non-coincidental, intentional, and coordinated wrongdoing, for if their actions were simply ‘mistakes’ due to incompetence, then it would be reasonable to expect that half of such ‘mistakes’ would redound to Dr. Cordero’s disadvantage and half to his advantage, rather than all of them consistently have a detriment impact on Dr. Cordero’s procedural and substantive rights.
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Table 3. The DeLanos’ \$673,657 in receipts +\$98,092 in credit card borrowing unaccounted for due to the judges’ refusal to require production of documents supporting their declaration in Schedule B (D:31) that at the time of filing their bankruptcy petition they only had in hand and on account \$535! ([hyperlink bank](#))

Mortgages referred to in the incomplete documents produced by the DeLanos to Trustee Reiber (Add:966§B)	Exhibit page #	Amounts of the mortgages	
1) took out a mortgage for \$26,000 in 1975;	D:342	\$26,000	
2) another for \$7,467 in 1977;	D:343	7,467	
3) still another for \$59,000 in 1988;	D:346	59,000	
4) owed \$59,000 to M&T in 1988 and	D:176/9	59,000	
5) an overdraft from ONONDAGA Bank for \$59,000;	D:176/10	59,000	
6) another mortgage for \$29,800 in 1990,	D:348	29,800	
7) even another one for \$46,920 in 1993, and	D:349	46,920	
8) yet another for \$95,000 in 1999.	D:350-54	95,000	
<b>Subtotal</b>		<b>\$382,187</b>	
The DeLanos’ earnings in just the three years preceding their voluntary bankruptcy petition of January 27, 2004			
2001	1040 IRS form (D:186)	\$91,229	\$91,229
2002	1040 IRS form (D:187) Statement of Financial Affairs (D:47)	\$91,859	91,655
2003	1040 IRS form (D:188) Statement of Financial Affairs (D:47)	+97,648	+108,586
to this must be added the receipts contained in the \$98,092 owed on 18 credit cards (D:41; C:1415)		\$280,736*	<b>\$291,470</b>
		<b>TOTAL</b>	<b>\$673,657</b>

\* Why do these numbers not match?



Table 4. Officers that have disregarded their statutory duty to investigate the DeLano Debtors ([hyperlink bank](#))

	Officer's name and title	Statutory duty to investigate	Request for documents	Response...if any
1.	George Reiber, Standing Chapter 13 Trustee	11 U.S.C. §§1302(b)(1) and. 704(4) & (7)	D:66§IV; D:113¶6;  D:492, cf. D:477-491; Add:683	D:74, cf. D:83§A; D:120, cf. D:124 and 193§§I-III;  none none
2.	Kathleen Dunivin Schmitt, Assistant U.S. Trustee	28 U.S.C. §586(a)(3)(C) & (F)	D:63§§I & III; D:470, cf. D:461; D:471; D:475§c; Add:685	D:70, cf. D:84§IV;  none none none none
3.	Deirdre A. Martini, U.S. Trustee for Region 2	28 U.S.C. §586(b)	D:104, cf. D:90§VII; D:137;  Add:682	none D:139, cf. D:141; D:154-157, cf. D:158; none
4.	Bankruptcy Judge John C. Ninfo, II (C:993)	11 U.S.C. §1325 and 18 U.S.C. §3057(a) (Add:630)	D:198§V and 199¶31, 207-210, 217; D:320§II; D:370§C; Add:1051§II;  Add:1128§§I & II	D:220, cf. D:232§§I & V;  D:327; D:3; Add:1065, cf. Add:1066, 1094; Add:1125
5.	District Judge David G. Larimer (C:1278)	18 U.S.C. §3057(a) (Add:630)	Add:885¶15, 900§§3 & B, 908§d, 951, 979§III; Add:1098§I	Add:1021; Add:1155

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# Table of Exhibits of A:# pages<sup>1</sup>

concerning the appeals as of August 1, 2006

Part A ToEA:124 A:1-152	from <b>WBNY</b>	<i>Pfuntner v. Trustee Gordon et al.</i> , <b>September 27-December 30, 2002</b>	no. 02-2230 dkt. at A:1551
Part B ToEA:132 A:153-430	to <b>WDNY</b>	<i>Cordero v. Trustee Gordon</i> , <i>Cordero v. Palmer</i> , <b>January 9-March 27, 2003</b>	no. 03cv6021L no. 03mbk6001L dcts. at A:1295; 462
Part. C ToEA:154 A:431-1549	to <b>CA2</b>	<i>In re Premier Van et al.</i> , <b>April 25, 2003-October 26, 2004</b>	no. 03-5023 dkt. at A:1285
Part D ToEA:168 A:1601-2229	to <b>Sct.</b>	<i>Cordero v. Trustee Gordon et al.</i> , <b>January 20-March 28, 2005</b>	no. 04-8371 dkt. at A:2229

by

**Dr. Richard Cordero, Esq.**

## Table of Headings (providing a synoptic statement of facts of the cases<sup>2</sup>)

### A. IN BANKRUPTCY COURT, WBNY:

**From** Dr. Cordero's application of September 27, 2002, for a review of Trustee Gordon's conduct & liquidation of storage company Premier, which had abandoned his stored property at Warehouse Pfuntner's **to** Pfuntner's admin. & storage fee recouping suit v. the Tr., Dr. Cordero et al., **to** Judge Ninfo's summary dismissal of Dr. Cordero's cross-claims against

<sup>1</sup> The exhibits listed on this Table of Exhibits (ToE) are found in the Attachments pane of the Statement of Facts and may also be in suitably identified folders in the Judicial Discipline Reform website. The exhibits of the *DeLano* cases, identified as D:#, Add:#, Pst:#, and Tr:#, are there too. The files are the following:

JDR's call: [C:1/E:1](#); [C:271](#); [C:441](#); [C:551](#); [C:711](#); [C:821](#); [C:981](#); [C:1081](#); [C:1285](#); [C:1331](#)

*Pfuntner*>: [A:1](#); [A:261](#); [A:353](#); [A:734](#); [A:1061](#); [A:1301](#); [A:1601](#); [A:1675](#); [A:1765](#)

*DeLano*: [D:1](#); [D:103](#); [D:203](#); [D:301](#); [D:425](#); [Add:509](#); [Add:711](#); [Add:911](#); [Pst:1171](#); [Tr=transcript 3/1/5hearing](#)

<sup>2</sup> To facilitate the understanding of the development of the subject matters stated in this and other headings, their respective exhibits are listed chronologically regardless of their page numbers. These numbers have been maintained as much as possible so as to preserve the validity of references to A-# pages in earlier exhibits. Thus, if a page number is not found where it should logically be, look for it further down in the Table.

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**B. IN DISTRICT COURT, WDNY:**

**From** Dr. Cordero’s notice of January 9, 2003, of appeal to Tr. Gordon’s motion to dismiss it as untimely filed though timely mailed

**to** WDNY Judge Larimer’s dismissal of his notice and denial of his application for judgment v. defaulted Premier Owner Palmer

**and** the legally unsupported requirement by Judges Ninfo & Larimer that Dr. Cordero inspect his property and prove that its loss was caused by Palmer, who is thus given a chance to escape liability though a defrauder of storage & insurance fees Why?.... ToEA:132

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5. Dr. Cordero’s property search and NYC-Rochester trip to inspect it at Pfuntner’s warehouse, where Premier Owner Palmer had abandoned it ..... ToEA:138
  - a. Dr. Cordero’s efforts to find his property before *Pfuntner* in 2002 ..... ToEA:138
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**A. IN BANKRUPTCY COURT, WBNY:**

**From** Dr. Cordero’s application of September 27, 2002, for a review of Tr. Gordon’s personal conduct and liquidation of storage company Premier, which had abandoned his property at Pfuntnr’s warehouse **to** Pfuntnr’s admin. & storage fee recouping suit v. the Tr., Dr. Cordero, et al., **to** J. Ninfo’s summary dismissal of Dr. Cordero’s cross-claims against the Trustee despite genuine issues of material facts

- 201. Letter of **September 23**, 2002, of Kenneth **Gordon**, Esq., Chapter 7 Trustee for the liquidation of moving and storage company Premier Van Lines, Inc., **to** Dr. Richard **Cordero** with copy **to** U.S. Bankruptcy Judge John C. **Ninfo**, II, WBNY, **and others**, enjoining him from contacting his office concerning Dr. Cordero’s search for his property in storage with Premier ..... A: 1
- 202. Dr. **Cordero**’s letter of **September 27**, 2002, **to** Trustee **Gordon** **requesting** that he **a)** apologize for his unjustified and unprofessional September 23 letter to him, **b)** assure him that the lines of communication between them will be opened, and **c)** send him copies of the letters concerning Premier and his property that the Trustee sent to other parties ..... A: 2
- 203. Dr. **Cordero**’s letter of **September 27**, 2002, **to** Judge **Ninfo** requesting a review of Trustee Gordon’s performance and fitness to continue serving as trustee ..... A: 7
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    - 3) Letter of **September 19, 2002**, of David **MacKnight**, Esq., attorney for Warehouse James Pfuntnr, plaintiff in the Adversary Proceeding *Pfuntnr v. Trustee Gordon et al.*, no. 02-2230, WBNY, **to** Dr. **Cordero** stating that he will soon be receiving Mr. Pfuntnr’s **summons and complaint** ..... A: 14
    - 4) Dr. **Cordero**’s letter of **August 26, 2002, to** Att. **MacKnight** requesting information about “Pyramid” storage containers and the whereabouts of his property..... A: 15
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207. James **Pfuntner's** **Summons** of October 3, 2002, in Adversary Proceeding *Pfuntner v. Trustee Gordon, et al.*, no. **02-2230** (received on or around **October 20,** 2002; see pages A: 32, 50, and 52) ..... A: 21

    a. **"Interpleader Complaint** to Determine Rights in Property of the Debtor and in Property in the Debtor's Possession, to Grant Plaintiff and Compel the Trustee to pay Administrative Expenses or Otherwise Determine the Liability of Those Found to Hold an Interest in the Debtor's Property or Property in Possession of the Debtor for the Use and Occupancy of the Plaintiff's Real Property, and to Vacate the Automatic Stay of Actions"..... A: 22

208. Judge **Ninfo's** letter of **October 8,** 2002, **to** Dr. **Cordero** referring Dr. Cordero's September 27 **Application to** Assistant U.S. **Trustee** Kathleen Dunivin **Schmitt, Esq.,** for **"thorough inquiry"** ..... A: 29

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210. Trustee **Gordon's** **Answer** of **October 9,** 2002, **in** ***Pfuntner v.***

*Trustee Gordon et al.*, stating that all **Premier’s assets** were **abandoned** and that none is available to pay any claims ..... A: 31

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        3) Att. MacKnight’s letter of September 19, 2002, to Dr. Cordero stating that he will soon be receiving Mr. Pfuntner’s summons and complaint ..... A:35

        4) Trustee Gordon’s Answer of October 9, 2002, in *Pfuntner v. Trustee Gordon et al.*, stating that all Premier’s assets were abandoned and that none is available to pay any claims ..... A:36

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    a. **"Interpleader Complaint** to Determine Rights in Property of the Debtor and in Property in the Debtor's Possession, to Grant Plaintiff and Compel the Trustee to pay Administrative Expenses or Otherwise Determine the Liability of Those Found to Hold an Interest in the Debtor's Property or Property in Possession of the Debtor for the Use and Occupancy of the Plaintiff's Real Property, and to Vacate the Automatic Stay of Actions" ..... A: 22

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**B. IN DISTRICT COURT, WDNY:**

**From** Dr. Cordero’s notice of January 9, 2003, of appeal to Trustee Gordon’s motion to dismiss it as untimely filed though timely mailed

**to** WDNY Judge Larimer’s dismissal of his notice and denial of his application for judgment v. defaulted Premier Owner Palmer

**and** the legally unsupported requirement by Judge Ninfo and Larimer that Dr. Cordero inspect his property and prove that its loss was caused by Palmer, who is thus given a chance to escape liability though a defrauder of storage & insurance fees Why?

**1. Trustee Gordon’s motion in District Court to dismiss Dr. Cordero’s notice of appeal as untimely filed though timely mailed**

235. Dr. **Cordero’s** notice of **appeal** of **January 9**, 2003, to District Court from Bankruptcy Judge Ninfo’s dismissal of his cross-claims against Trustee Gordon in *Pfuntner v. Trustee Gordon et al.*, 02-2230, WBNY.....A: 153

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<sup>3</sup> As items, i.e. documents, were produced, they were added physically to this volume after the last one here. Consequently, they began with the page number that followed the last one. However, their placement on this Table resulted from the application of first a thematic, then a chronological criterion. Thus, depending on a

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- 369. Dr. **Cordero's** request of **January 4, 2004, to** Todd Stickle, Deputy Clerk of Court, WBNY, for copies of certain financial and payment documents referred to in the docket of *In re Premier Van Lines*, no. 01-20692 (cf. D:193; Add:1038; ToED:215§III)) .....A: 834
- 370. Clerk **Stickle's** letter of **January 28, 2004, to** Dr. **Cordero** stating the cost of providing copies of some documents and requesting the docket number of other documents .....A: 836
- 371. Dr. **Cordero's** letter of **April 13, 2004, to** Paul **Warren**, Clerk of Court, WBNY, concerning a series of mistakes made by the clerks in entering on the docket of *Pfuntner v. Trustee Gordon et al.*, no. 02-2230, some documents filed by Dr. Cordero; and requesting information about the availability of certain documents referred to in the docket of *In re Premier*, no. 01-20692, WBNY .....A: 872
- 372. Clerk **Stickle's** letter of **April 16, 2004, to** Dr. Cordero indicating the correction of mistaken entries in the *Pfuntner* docket and the non-calendaring of his notice of motion because it will be disposed of by submission [The reference is to "Dr. Cordero's Motion of March 31, 2004, for a Declaration of the Mode of Computing the Timeliness of an Objection to a Claim of Exemptions and for a Written Statement on and of Local Practice" (D:97), which Judge Ninfo has never disposed of.].....A: 1011
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- 374. Clerk of Court **Warren's** letter of **May 4**, 2004, **to** Dr. **Cordero** requesting payment for document search.....A:1014
- 375. Dr. **Cordero's** letter of **May 16**, 2004, **to** Clerk **Warren** stating that since the **agreement** between Deputy Clerk Stickle and Dr. Cordero, of which Clerk Warren was given notice, was **only** for the **availability** of certain documents **to be determined** and no mention was ever made of any search fee, **no fee is owed**.....A:1017
- 376. Clerk of Court **Warren's** letter of **May 20**, 2004, to Dr. **Cordero** stating that the search **fee** is **applicable even** if **no documents** are **requested** and making a general reference to the Bankruptcy Fee Compendium .....A:1020
- 377. Dr. **Cordero's** letter of **May 22**, 2004, to Clerk **Warren** requesting that **if** he knows where the Bankruptcy Fee Compendium provides **authority to charge** a **search fee**, he should **cite** and **apply it** to the facts and reasons which Dr. Cordero set forth in his previous letter against any such fee being owed; and **asking** that he **file** this and the previous **letters** as **evidence** of **how** the **Court's** administrative personnel **operates** .....A:1021

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**to** the denial of the petition for panel rehearing on October 26, 2004

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- 378. Dr. **Cordero's** **notice of appeal** of **April 22**, 2003, to the Court of Appeals for the Second Circuit from District Judge David Larimer's orders in *Cordero v. Trustee Gordon* and *Cordero v. Palmer*, WDNY .....A:429
- 379. Docket of *In re Premier Van Lines, Inc.*, no. **01-20692**, WBNY:
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380. Docket of *Pfuntner v. Trustee Gordon et al.*, adversary proceeding, no. **02-2230**, WBNY:
- a. as of **May 19**, 2003 .....A: 445
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381. District Deputy Clerk Ghysel’s letter of April 28, 2003, mistakenly referring to Dr. Cordero’s two appeals, namely *Cordero v. Gordon*, no. 03-cv-6021L, and *Cordero v. Palmer*, no. 03-MBK-6001L, as both being “**Cordero vs Palmer**”..... A: 467a
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383. Dr. **Cordero’s Redesignation of Items** in the Record and Statement of **Issues** on Appeal of **May 5**, 2003, based on the Designation for the appeal from WBNY to WDNY, and prepared for the appeal from WDNY to CA2 .....A: 593

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384. **District Appeals Deputy Clerk** Margaret Ghysel’s letter of **May 19**, 2003, **to** Circuit Clerk Roseann **MacKechnie** transmitting the record on appeal and docket sheet of *Cordero v. Gordon*.....A: 456
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2) *Cordero v. Palmer*, dkt. no. 03-mbk-6001L, WDNY

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6) Letter of CA2 Clerk of Court Roseann B. **MacKechnie** of **March 29**, 2004, **to** Dr. **Cordero** **returning** his **attachments** to each of the five copies of his the complaint against Chief Judge Walker because they duplicate pages in the one volume of Exhibits .....A: 944

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(11) Dr. Cordero's **Statement of Facts** with its page numbers bearing the format E-# to indicate that it is an exhibit in support of his complaint under 28 U.S.C. §372(c)(1) submitted on **August 11, 2003, to** the CA2 Clerk against Judge Ninfo and other court officers at WBNY and WDNY..... E-1 [E file]

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- (13) Judge **Ninfo's Order of July 15, 2003**, in *Pfuntner*, **requiring**, among other things, that Dr. **Cordero**, who lives in New York City, **participate** in a **series** of "discrete" "discreet" **hearings** in Rochester, NY, in *Pfuntner* ..... E-57 & A: 666
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  - (4) **Chief Judge Walker's letter of February 4, 2004, by Deputy Clerk Allen** stating: "I am **returning** your [February 2] **documents** to you. A **decision** has **not been made** in the above-reference matter. You will be notified by letter when a decision has been made" .....A: 970
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(10) Dr. **Cordero's sample of letters of February 11 and 13, 2004**, to CA2 Judge Dennis Jacobs and to the other members of the **Judicial Council** of the Second Circuit **describing how** with disregard for law and rules **Chief Judge Walker has handled his misconduct complaint against Judge Ninfo** of August 11, 2003, and returned Dr. Cordero's February 2 inquiring and updating letter addressed to the Chief .....A: 990

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422. **Amended Order of May 10, 2004**, signed by Motions Staff Attorney Arthur **Heller, denying** the motion for Chief Judge **Walker to recuse** himself from considering Dr. Cordero's petition for panel rehearing and hearing en banc .....A: 1042

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427. **CA2's** statement of **October 13**, 2004, that Chief Judge **Walker** **recused** himself from further consideration of *Premier Van et al.*, contained in the CA2's order denying Dr. Cordero's motion to quash Judge Ninfo's August 30 order ..... A: 1129

**6. Dr. Cordero’s motion to quash Judge Ninfo’s order in DeLano requiring Dr. Cordero to take discovery of issues in Pfuntner on appeal in CA2 and try them piecemeal in DeLano so as to enable the Judge to disallow and dismiss wholesale Dr. Cordero’s claims in both cases; and denial in CA2**

428. Dr. **Cordero’s** motion of **September 9, 2004**, to **quash** the **order** of Bankruptcy Judge Ninfo of August 30, 2004, to **sever a claim from** the case on appeal *In re Premier Van et al.*, in the Court of Appeals for the purpose of **trying it in In re DeLano** in Bankruptcy Court, WBNY.....A: 1130<sup>5</sup>

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        23) Dr. **Cordero’s** letter of **August 31, 2004**, to Bradley E. **Tyler**, Esq., U.S. Attorney in Charge of the U.S. Attorney’s Office in Rochester, NY, **sending back** to him the **files** that his Assistant U.S. Attorney Richard Resnik had returned to Dr. Cordero..... A:1159

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<sup>5</sup> The exhibits relating to *In re DeLano*, docket no. 04-20280, WBNY, were filed by Dr. Cordero in his appeal *Cordero v. DeLano*, docket no. 05cv6190L, WDNY. They are grouped in three sets, namely, the Designated Items in the Record on Appeal, the Addendum to it, and the Post-Addendum. While the exhibits have consecutive page numbers, the sets are identified by a different prefix. i.e. D:#, Add:#, and Pst:#, respectively.

To them is added the transcript –Tr:#- of the evidentiary hearing before Bankruptcy Judge Ninno on March 1, 2005, of the DeLanos’ motion to disallow Dr. Cordero’s claim against Mr. DeLano arising from *Pfuntner*, where they are third party plaintiff and defendant, respectively. The motion was granted; hence, Dr. Cordero’s claim was disallowed, which in turn led to his appeal to District Court. All these exhibits, like all those in *Pfuntner>Cordero v. Gordon & Palmer>*and *Premier*, are available digitally on the accompanying CD. (see [Contents of Folders](#), T<sub>o</sub>EA:171)

These files can be accessed by clicking on the Attachments tab of this PDF file.

- (b) Letter of Richard **Resnik**, Esq., Assistant U.S. Attorney, of **August 24**, 2004, to Dr. **Cordero** stating that the **U.S. Attorney's Office** in Rochester **will not investigate** Dr. Cordero's "allegations of bankruptcy fraud and judicial misconduct" and **returning** to him all the **files**.....A:1161
- 429. Dr. **Cordero's** letter of **September 27**, 2004, to CA2 Clerk of Court **MacKechnie** and to the **attention** of Motions Staff Attorney Arthur **Heller**, to urge the Court to either **stay** Judge Ninfo's Order of August 30 **or** to treat on an emergency basis Dr. Cordero's motion of September 9 to **quash** it .....A:1181
- 430. Dr. **Cordero's** letter of **September 29**, 2004, to the DeLanos' attorney, Christopher **Werner**, Esq., requesting **production of documents** pursuant to Judge Ninfo's August 30 order, and without prejudice to Dr. Cordero's September 9 motion in CA2 to quash it .....A:1183
- 431. Trustee **Reiber's** letter of **October 1**, 2004, to **CA2 Heller** stating that he is not aware of any notice of appeal filed in CA2 in connection with *In re DeLano*, 04-20280, WBNY, and that he believes that Judge Ninfo's bench order, spoken at the *DeLano* hearing on August 23, 2004, is **not appealable** because it is **not a final order** .....A:1193
- 432. Dr. **Cordero's** letter of **October 12**, 2004, to Trustee **Reiber** setting out the factual and legal reasons why Judge Ninfo's order does not and cannot prevent the Trustee from conducting an examination of the DeLanos by their creditors under 11 U.S.C. §341 .....A:1194
- 433. **CA2's** order of **October 13**, 2004, **denying** Dr. Cordero's motion to **quash** the August 30 **order** of Bankruptcy Judge **Ninno**; **and statement that** Chief Judge **Walker recused himself** from further consideration of *Premier Van et al.*, no. 03-5023, CA2.....A:1197
- 434. Dr. **Cordero's** letter of **October 20**, 2004, to Trustee **Reiber** showing that the Trustee's letter of October 13 belies his own statement therein that he did not have Judge Ninno's August 30 written order, but only the August 23 spoken bench order, and once more requesting that he hold the §341 examination of the DeLanos.....A:1199
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  - b. Trustee **Reiber's** letter of **October 13**, 2004, to Dr. **Cordero** stating that he only had Judge Ninno's bench order, not the August 30 written version and that the latter is part of the *DeLano* case and has nothing to do with the appeal *Premier Van et al.*, no. 03-5023, CA2 .....A:1204



- 435. Dr. **Cordero's** letter of **October 21**, 2004, to Trustee **Schmitt** requesting that she:
  - a. disqualify Trustee Reiber from *DeLano* and investigate him and his attorney, James Weidman, Esq.;
  - b. appoint a trustee unrelated to the parties and the Bankruptcy Court as well as willing and able to investigate this case zealously and efficiently;
  - c. otherwise, order Trustee Reiber to hold a §341 examination of the DeLanos on November 3 and 4 as requested. .... A: 1205
- 436. Trustee **Reiber's** fax of **October 27**, 2004, to Dr. **Cordero** requesting a copy of the order by which **Chief Judge Walker recused himself from Premier Van et al.** .... A: 1206
- 437. Dr. **Cordero's** fax of **October 28**, 2004, to Trustee **Reiber** providing Trustee Reiber the requested copy of CA2 Chief Judge Walker's recusal from **Premier** and proposing dates for the Trustee to hold the examination of the DeLanos in an adjourned meeting of creditors under 11 U.S.C. §§341 and 343. .... A: 1207
  - a. **CA2's** statement of **October 13**, 2004, that Chief Judge **Walker recused** himself from further consideration of **Premier Van et al.**, contained in the CA2's order denying Dr. Cordero's motion to quash Judge Ninfo's August 30 order. .... A: 1208

**7. CA2 denial of the rehearing petition on October 26, 2004, and of the motion to stay the mandate on November 8, 2004**

- 438. **CA2's** order of **October 26**, 2004, **denying** "upon consideration by the panel that decided the appeal" *In re Premier Van et al.* [A:876], Dr. Cordero's petition for panel **rehearing** and hearing en banc ..... A: 1231
- 439. Dr. **Cordero's** motion of **November 2**, 2004, for CA2 to **stay** the **mandate** following the CA2's denial of his motion for panel rehearing in *Premier Van et al.* and **pending** the filing of a **petition** for a writ of certiorari in the **Supreme Court** ..... A: 1232
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Dated: August 1, 2006  
 59 Crescent Street.  
 Brooklyn, NY 11208-1515

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# Tables of Exhibits of D:, Add:, and Pst:# pages consisting of the following subtables:

**I. Designated Items by Appellant Dr. Richard Cordero on April 18, 2005, pursuant to FRBkrP 8006, and contained in the record of *In re David & Mary Ann DeLano*, no. 04-20280, WBNY ..... pages D:1-D:508g..... ToED:201  
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**II. Addendum to the Designated Items and accompanying Dr. Cordero’s appellate brief of December 21, 2005, in *Cordero v. DeLano*, 05cv6190L, WDNY ..... pages Add:509-1155.. ToED:221  
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**III. Post-Addendum including the exhibits accompanying Dr. Cordero’s reply brief of February 8, 2006, and other exhibits since ..... pages Pst:1171-1423 . ToED:251  
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as of August 1, 2006  
by  
**Dr. Richard Cordero, Esq.**

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- I. Mr. DeLano, a 39 year banking veteran, and his wife filed a petition for bankruptcy, where they named Dr. Cordero among their creditors and treated him as such for six months after he requested documents in support of their incongruous declarations, e.g. that they had only \$535 in cash and on account yet had earned \$294,470 in the preceding 3 years, but the Trustee tried to protect them from having to produce such documents, thus violating his duty to ascertain their financial affairs..... ToED:204
- II. On the basis of their petition and the few documents that they produced, Dr. Cordero showed that the DeLanos had concealed assets, whereupon their attorney, who had appeared before Bankruptcy Judge Ninfo in over 500 cases, came up with the artifice of a motion to disallow his claim by pretending that

after all he was not a creditor; the Judge required Dr. Cordero to engage in discovery and present the evidence of his claim only for the Judge and the DeLanos to deny him every single document that he requested, which was followed by the predetermined disallowance of his claim at a sham evidentiary hearing, thus stripping him of his right as a creditor to request documents that could prove their participation in a bankruptcy fraud scheme ..... ToED:210

III. After the trustee and his supervising U.S. trustees attempted for 11 months to prevent Dr. Cordero from exercising his right to examine the DeLanos under oath, finally they allowed him to do so at a meeting, at which he discovered the DeLanos' suspicious series of mortgages, which even the incomplete documents that they produced allowed him to show that since 1975 they received \$382,187 to buy their home, yet in 2005, 30 years later, they still lived in the same home but owed \$77,084 and had equity of merely \$21,415; but the trustees refused to ask the DeLanos to account for that money and stopped responding to Dr. Cordero's letters ..... ToED:215

IV. After Bankruptcy Judge Ninfo disallowed at a sham evidentiary hearing Dr. Cordero's claim against Mr. DeLano, whose testimony had corroborated it, District Judge Larimer ordered Dr. Cordero to file his appellate brief before the transcript, with its incriminating evidence of bias and unlawfulness, had even been started to be prepared, let alone its docketing by the court effected as required, whereby he protected his peer and the DeLanos by violating FRBkrP 8006 and 8007 ..... ToEAdd:222

V. The court reporter that recorded stenographically the sham evidentiary hearing refused to certify that her transcript would be accurate, complete, and tamper-free, and Dr. Cordero requested Judge Larimer that she be replaced and reported for investigation, but he refused to do so and ordered Dr. Cordero to obtain the transcript from that reporter anyway, thus disregarding the doubt that she had cast on its reliability and its detrimental impact on the integrity of the appeal process ..... ToEAdd:229

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1.The procedural and financial documents in DeLano have been listed in tables D:#, Add:#, and Pst:# chronologically since they all reinforce each other in revealing the same pattern of conduct of the DeLanos, their attorneys, the trustees, and the judges, namely, an intentional and coordinated effort to prevent Dr. Cordero from obtaining from the DeLanos documents concerning their financial affairs, even those as obviously pertinent to ascertaining the merits of any bankruptcy petition as bank account statements, for they would show that these parties and officers have all known and tolerated the DeLanos' concealment of assets as part of a bankruptcy fraud scheme supported by all of them.

Hence, the headings only highlight the main objective of their effort at a particular point in time during the development of the case. Documents leading up to or tapering off from the objective indicated by a heading may be found under previous or subsequent headings. The documents themselves, particularly those of Dr. Cordero, which have many references to previous documents or point to a possible future course of action requested as relief, will indicate whether related documents may be under previous headings and whether further developments of an objective or course of action still being pursued are likely to be treated in documents listed under subsequent headings.

<sup>2</sup>Judge Larimer’s refusal to post the transcript or the exhibits and the glaring mistakes of fact that he made in his order of denial are discussed at [C:1307¶¶45-51](#).

## **I. Table of Exhibits of D:# pages** of the Designated items in *In re DeLano*

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**I. Mr. DeLano, a 39 year banking veteran, and his wife filed a petition for bankruptcy, where they named Dr. Cordero among their creditors and treated him as such for six months after he requested documents in support of their incongruous declarations, e.g. that they had only \$535 in cash and on account yet had earned \$294,470 in the preceding 3 years, but the Trustee tried to protect them from having to produce such documents, thus violating his duty to ascertain their financial affairs**

(emphasis is added unless emphasis in the original is stated)

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- 528. Trustee **Reiber’s** letter of **April 20, 2004**, to Att. **Werner** directing him, “because of the concerns which have been raised” [by Dr. Cordero], to **provide** him with financial **documents** concerning the DeLanos, which constituted his first document request ever and the start of his pretense at investigating them .....
- 529. Trustee **Reiber’s** letter of **April 20, 2004**, sending Dr. **Cordero** a **copy** of the Trustee’s **letter** of March 24 to Mr. Werner (D:74) and the latter’s reply of March 19 (D:73), thereby pretending that they were the letters that Dr. Cordero had not received and had asked for although Dr. Cordero had stated that he had received those letters .....
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- 531. Dr. **Cordero’s** letter of **April 23, 2004**, to Trustee **Reiber** stating that the letters (D:73, 74) that he sent with his April 20 letter to Dr. Cordero (D:122) could not be the **letter** that the Trustee had said that he would send Dr. Cordero and that the **Trustee** must have **sent to Att. Werner**, indicating how suspicious the Trustee’s reluctance to send that letter was, and **stating** why the Trustee’s request to Att. Werner for documents of the DeLanos was so deficient and requesting that he correct it.....
- 532. Dr. **Cordero’s** **reply** of **April 25, 2004**, to Debtors’ **statement** in opposition to Dr. **Cordero’s** objection to a claim of exemptions.....
- 533. Dr. **Cordero’s** letter of **April 26, 2004**, to Trustee **Martini** **requesting** that she **respond** to his **Memorandum** of March 30 (D:77) and **asking** again that Trustee **Reiber** be **removed** and a trustee unrelated to the parties and willing to investigate the DeLanos be appointed .....
- 534. Trustee **Reiber’s** letter of **April 27, 2004**, to Dr. **Cordero** stating that he has not yet received the requested documents from the DeLanos that he needs in order to ask meaningful questions at the independent hearing

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540. Trustee **Reiber**'s letter of **May 18**, 2004, to **Att. Werner** to inquire about his progress in obtaining the documents requested in the April 20 letter (D:120)..... D:153

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543. **Dr. Cordero’s letter of May 23, 2004, to Att. Werner requesting, on the basis of Trustee Reiber’s letter of March 12 (D:151), financial documents from the DeLanos** ..... D:159

544. Trustee **Schmitt’s note of May 24, 2004, to Dr. Cordero sending him without a formal letter and to speed things along a list of credit card issuers with their addresses** ..... D:160

545. Dr. **Cordero’s letter of June 8, 2004, to Trustee Reiber requesting that he obtain requested documents from the DeLanos, state whether the meeting adjourned to June 21 will be held, and recuse himself from the case** ..... D:161

546. Trustee **Reiber’s letter of June 15, 2004, to Dr. Cordero stating that he has not received any reply to his demand letter for documents; will not subpoena the DeLanos, and will move for dismissal, but will set a hearing date for August for the event that the DeLanos may produce the requested documents** ..... D:162

547. Trustee **Reiber’s motion of June 15, 2004, to dismiss the DeLanos’ Chapter 13 petition “for unreasonable delay” in producing documents, noticed for July 19, 2004(see 11 U.S.C. §1307)**..... D:164

548. Att. **Werner’s letter of June 14, 2004, to Trustee Reiber concerning his phone contact with the 8 credit card companies holding claims larger than \$5,000 and accompanying the following documents:**..... D:165

a) **Incomplete Equifax report no. 4117002205 of April 26, 2004, for David DeLano, which begins on page 3 of 14 and continues with pages 5, 7, 9, 11, 13**..... D:167

b) **Incomplete Equifax report no. 4129001647 of May 8, 2004, for Mary Ann DeLano, which begins on page 3 of 12 and continues consecutively until page 7 of 12**..... D:173

c) **A single statement of account of each of eight credit card accounts out of the 36 monthly statements of each account of the DeLanos covered by the Trustee’s request for statements for the previous three years; and dated as of between July and October 2003, rather than the most current statement for May or June 2004**..... D:178

d) **IRS 1040 forms for the DeLanos’ tax returns for each of the 2001-03 fiscal years**..... D:186

549. Trustee **Reiber’s letter of June 16, 2004, to Att. Werner stating that he will maintain his motion to dismiss, suggesting that he move under Rule 2004 FRBkrP to compel the credit card companies to appear and**

produce the requested documents, and noting that Att. Werner did not copy Dr. Cordero in on the correspondence and that in future he must do that but that on this occasion the Trustee will make a copy and send it to Dr. Cordero ..... D:189

550. Att. Werner’s letter of June 16, 2004, to Discover Financial Services requesting copies of statements for 2001-2003 of a joint account of the DeLanos ..... D:191

551. Trustee Reiber’s adjournment on June 21, 2004, of the DeLanos’ §341 meeting of creditors to August 23, 2004..... D:192

**II. On the basis of their petition and the few documents that they produced, Dr. Cordero showed that the DeLanos had concealed assets, whereupon their attorney, who had appeared before Bankruptcy Judge Ninfo in over 500 cases, came up with the artifice of a motion to disallow his claim by pretending that after all he was not a creditor; the Judge required Dr. Cordero to engage in discovery and present the evidence of his claim only for the Judge and the DeLanos to deny him every single document that he requested, which was followed by the predetermined disallowance of his claim at a sham evidentiary hearing, thus stripping him of his right as a creditor to request documents that could prove their participation in a bankruptcy fraud scheme**

552. Dr. Cordero’s Statement of July 9, 2004, in opposition to Trustee Reiber’s motion to dismiss the DeLano petition on grounds that the DeLanos have committed bankruptcy fraud, particularly concealment of assets, and containing in the relief the text of a requested order for them to produce documents to establish their financial affairs ..... D:193

553. Att. Werner’s letter of July 12, 2004, to Trustee Reiber concerning his efforts to obtain production of statements of credit card accounts and suggesting that the Trustee issue subpoenas to credit card companies Chase Manhattan and Bank One of Delaware to obtain the credit card statements that they have not produced, and his attempt to leave a message on Discover’s subpoena mailbox ..... D:203

554. Debtors’ Statement of July 13, 2004, in opposition to Trustee’s motion to dismiss, submitted by Att. Werner to the court and stating that they requested that Trustee Reiber issue subpoenas to prompt the credit card companies to produce the requested credit card statements; and accompanied by exhibits:..... D:204

a) Mr. DeLano’s letter of April 29, 2004, to Bank One Cardmember Services requesting copies of the monthly statements for his account for the period beginning April 2001 through April 2004 ..... D:206



555. Dr. **Cordero's** letter of **July 19, 2004**, faxed to Judge **Ninfo** as agreed at the hearing on July 19 together with his:..... D:207

    a) **Proposed order for production of documents** by the DeLanos and Att. Werner, obtained through conversion of the requested order (D:199¶31) contained in Dr. Cordero's July 9 Statement (D:193) ..... D:208

556. Att. **Werner's** letter of **July 20, 2004**, to Judge **Ninfo**, delivered via messenger, objecting to Dr. Cordero's proposed order because it "extends beyond the direction of the Court" ..... D:211

557. Att. **Werner's** letter of **July 20, 2004**, to Dr. **Cordero** accompanying the following documents: ..... D:212

    a) Att. **Werner's subpoena** of **July 19, 2004**, sent by mail or fax to:

        1) Chase Manhattan, c/o eCast Settlement: 4102-0082-4002-1537..... D:213

    b) Copy of Dr. Cordero's proposed order of July 19, 2004, for production of documents, bearing Att. **Werner's scribbles** and **cross-outs** [cf. Add:937-939]..... D:214

558. Dr. **Cordero's** letter of **July 21, 2004**, faxed to Judge **Ninfo**, requesting that he **issue** the proposed **order as agreed** at the hearing on July 19, 2004..... D:217

559. Att. **Werner's notice** of hearing and order objecting to Dr. Cordero's **claim** and moving to **disallow** it, dated **July 19, 2004**, but filed on July 22, 2004..... D:218

560. Judge **Ninfo's** order of **July 26, 2004**, providing for production by the DeLanos of only some documents but not issuing Dr. Cordero's proposed order (D:208) because "to [it], Attorney Werner expressed concerns in a July 20, 2004 letter" [D:211]..... D:220

561. Att. **Werner's** letter of **July 28, 2004**, to Trustee **Reiber** ..... D:222

    a) Letter of **Discover** Financial Services of **July 23, 2004**, to Att. **Werner** accompanying requested documents..... D:223

562. Att. **Werner's** letter of **August 5, 2004**, to Trustee **Reiber** accompanying the submission of credit reports issued by Equifax, Experian, and TransUnion and statements of account of Bank One:..... D:224

    a) **Bank One's** Letter of July 29, 2004, to Att. Werner accompanying the requested documents..... D:225

563. Att. **Werner's** letter of **August 11, 2004**, to Trustee **Reiber** about eCAST Settlement Corporation regarding the Chase Manhattan account statements..... D:227

a) Letter of Jon Brennan of **Becket & Lee** of **July 26, 2004, to Att. Werner** concerning a letter from the Weinstein, Treiger & Riley law firm concerning two **Bank One accounts**..... D:228

564. Att. **Werner’s** letter of **August 13, 2004, to Trustee Reiber** submitting statements of account of Bank One..... D:229

a) Letter from Jennifer Jones-Kabalo, Operations Supervisor at **Weinstein, Treiger & Riley law firm**, of **August 12, 2004, concerning** its request to its client **Bank One** for statements for two accounts ..... D:230

565. Dr. **Cordero’s** motion of **August 14, 2004**, in Bankruptcy Court for **docketing** and issue of proposed order, **transfer**, referral, examination, and other relief, noticed for August 23 and 25, 2004 ..... D:231

a) Proposed order for docketing and issue of proposed order, transfer, referral, and examination..... D:246

566. Dr. **Cordero’s** reply of **August 17, 2004**, in opposition to the **DeLano Debtors’** objection to his claim and **motion to disallow** it ..... D:249

567. Dr. **Cordero’s** **motion** of **August 20, 2004**, for sanctions and compensation for violation of FRBkrP Rule 9011(b) **concerning** Christopher **Werner, Esq.**, the DeLanos’ attorney (cf. TOEA:148§§e-f) ..... D:258

568. Att. Werner’s “Response to Cordero Reply to Objection to Claim” ..... D:271

569. Judge **Ninfo’s** Interlocutory **Order** of **August 30, 2004**, requiring Dr. Cordero to take **discovery** of his claim against Mr. **DeLano** [though arising from *Pfuntner v. Trustee Gordon et al.*, no. 02-2230, WBNY, and thus, **on appeal** in the Court of Appeals for the Second Circuit in *In re Premier Van et al.*, no. 03-5023]; **suspending** all other proceedings **until** the DeLanos’ motion to **disallow** [D:218] **Dr. Cordero’s claim** [D:142] is finally determined; and stating that on December 15 the date will be set for any evidence supporting that claim to be presented at an evidentiary hearing..... D:272

570. Att. **Werner’s** letter of **September 1, 2004, to Trustee Reiber** concerning **Discover** Financial Services statements for Mr. David DeLano’s account no. 6011-0020-4000-6645 closing from January 16, 2001 to December 16, 2003 ..... D:280

571. Att. **Werner’s** letter of **September 9, 2004, to Trustee Reiber** accompanying statements of accounts from **Chase** Manhattan Bank..... D:281

572. Dr. **Cordero’s** letter of **September 22, 2004, to Trustee Reiber** proposing dates to **examine** the **DeLanos** under §341 and describing the broad scope of the examination as provided under FRBkrP Rule 2004(b) ..... D:283

- 573. Dr. **Cordero's** letter of **September 27, 2004, to** Arthur Heller, **clerk** at the **U.S. Court of Appeals** for the Second Circuit, concerning his motion to quash Judge **Ninfo's order** of August 30, 2004, which **severs a claim from Premier Van et al.**, no. 03-5023, CA2, on appeal in that Court to try it in *In re DeLano*, no. 04-20280, WBNY, before Judge Ninfo ..... D:285
- 574. Att. **Werner's** letter of **September 28, 2004, to** Trustee **Reiber** informing him that he will **not submit dates for the examination** of the DeLanos in response to Dr. Cordero's September 22 letter (D:273) until the Trustee instructs him to do so ..... D:286
- 575. Dr. **Cordero's** letter of **September 29, 2004, to** Att. **Werner** requesting **production of documents** pursuant to Judge Ninfo's **August 30 order** and without prejudice to Dr. Cordero's September 9 motion to quash it in the Court of Appeals for the Second Circuit (D:440)..... D:287
- 576. Trustee **Reiber's** letter of **October 1, 2004, to** Dr. **Cordero** stating that he does **not** think that he has **authority** under Judge Ninfo's bench order **to examine the DeLanos** until the matter of the allowability of Dr. Cordero's claim has been resolved ..... D:296
- 577. Trustee **Reiber's** letter of **October 1, 2004, to** Mr. Arthur Heller, **clerk** at the **Court of Appeals** for the Second Circuit, referring to Dr. Cordero's September 27 letter to Mr. Heller (D:285) and stating that he is **not aware** of any notice of **appeal in** that Court concerning *In re DeLano* [thus betraying his **failure to understand** that the **appeal** concerned by the September 27 letter was that of *Premier Van et al.*, no. 03-5023, CA2]..... D:297
- 578. Dr. **Cordero's** letter of **October 12, 2004, to** Trustee **Reiber** setting out the factual and legal reasons why Judge Ninfo's August 30 order (D:272) does not prevent the Trustee from conducting a §341 examination of the DeLanos ..... D:298
- 579. Trustee **Reiber's** letter of **October 13, 2004, to** Dr. **Cordero** stating that he only had Judge Ninfo's bench order, not the August 30 written version (D272) and that the latter has nothing to do with the appeal of the *Premier* case to the Court of Appeals ..... D:301
- 580. Dr. **Cordero's** letter of **October 20, 2004, to** Trustee **Reiber** showing that the Trustee's letter of October 13 belies his own statement therein that he did not have Judge Ninfo's August 30 written order (D:272) and requesting him again to hold the §341 examination of the DeLanos ..... D:302
- 581. Dr. **Cordero's** letter of **October 21, 2004, to** Trustee **Martini** and to Trustee **Schmitt** requesting each to instruct Trustee Reiber to hold a §341 examination of the DeLanos ..... D:307
- 582. Trustee **Reiber's** letter of **October 27, 2004, to** Dr. **Cordero** requesting a copy of the order by which **Chief Judge John M. Walker, Jr.**, of the

Court of Appeals for the Second Circuit **recused himself from Premier Van et al.**, no. 03-5023, CA2 ..... D:308

583. Ms. Christine **Kyle's** letter of **October 27**, 2004, stating that Trustee Schmitt will contact Dr. Cordero, either on November 17 when she comes back to the office or before, concerning her discussion with Trustee Reiber on the request that the Trustee hold the §341 examination of the DeLanos ..... D:309

584. Dr. **Cordero's** letter of **October 27**, 2004, to Att. **Werner** to make a good faith effort under FRCivP 37(a)(2) to **obtain discovery** from Mr. David DeLano before moving for an order to compel such and for sanctions..... D:310

585. Dr. **Cordero's** letter of **October 28**, 2004, to Trustee **Reiber** providing Trustee Reiber with dates for holding the §341 examination of the DeLanos and accompanying a copy of ..... D:311

    a) statement of October 13, 2004, that **Chief Judge Walker's recused himself from Premier Van et al.**, no. 03-5023, CA2 ..... D:312

586. Att. **Werner's** letter of **October 28**, 2004, to Dr. **Cordero** stating that the latter's **discovery** demands (D:287) are largely **irrelevant** to his alleged claim against Mr. DeLano, that Mr. DeLano objects thereto, and that the **DeLanos object** to the demand for discovery of their finances ..... D:313

    a) Response to **discovery** demand of Richard Cordero-Objection to Claim of Richard Cordero, denying as **not relevant all documents** requested and stating that the item concerning Mr. Palmer is **not in Mr. DeLano's possession**..... D:314

587. Trustee **Reiber's** letter of **November 2**, 2004, to Dr. **Cordero** stating that he has **nothing to add** to his position concerning Dr. Cordero's request that the Trustee hold the §341 **examination** of the **DeLanos** ..... D:316

588. Dr. **Cordero's motion** of **November 4**, 2004, to **enforce** Judge Ninfo's August 30 Order (D:272) by directing Mr. DeLano to produce the requested documents (D:287) and declaring that the Order does not and cannot prevent Trustee Reiber from holding a §341 examination of the DeLanos ..... D:317

589. Att. **Werner's statement** of **November 9**, 2004, to Judge Ninfo on behalf of the DeLanos' "opposition to Cordero motion [sic] regarding **discovery**" and request that it **be denied in all respects** ..... D:325

590. Judge **Ninfo's Order** of **November 10**, 2004, **denying** all of Dr. Cordero's requests for **discovery** from Mr. DeLano [D:287, 317 ] and holding the hearing of Dr. **Cordero's** November 4 **motion**, noticed for November 17 (D:317), to be moot ..... D:327

- 591. Dr. **Cordero's** letter of **November 14, 2004, to Trustee Martini** requesting that she send him the letter that she said on their phone conversation on November 1 she would send him upon his request that she **take a stand** on whether Trustee **Reiber** must **hold a \$341 examination** of the **DeLanos** regardless of Judge Ninfo's decision as to court proceedings (D:272) [never replied to] ..... D:330
- 592. Trustee **Reiber's** letter of **November 17, 2004, to Att. Werner** stating that upon Mrs. DeLano retiring, their **IRA** will become a legitimate source of **disposable income**..... D:331
- 593. Judge **Ninfo's** order of **December 21, 2004, setting down** for March 1, 2005, as agreed at the hearing on December 15, 2004, the **evidentiary hearing** to determine Mr. DeLano's motion to disallow Dr. Cordero's claim ..... D:332

**III. After the trustee and his supervising U.S. trustees attempted for 11 months to prevent Dr. Cordero from exercising his right to examine the DeLanos under oath, finally they allowed him to do so at a meeting, at which he discovered the DeLanos' suspicious series of mortgages, which even the incomplete documents that they produced allowed him to show that since 1975 they received \$382,187 to buy their home, yet in 2005, 30 years later, they still lived in the same home but owed \$77,084 and had equity of merely \$21,415; but the trustees refused to ask the DeLanos to account for that money and stopped responding to Dr. Cordero's letters**

- 594. Trustee **Reiber's** letter of **December 30, 2004, to Dr. Cordero** confirming that he will conduct a Section 341 **Hearing of the DeLanos** on February 1, 2005, at his office on South Winton Court, Rochester ..... D:333
- 595. **Documents** submitted at the examination of the DeLanos on **February 1, 2005**
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  - b) NYS Department of Motor Vehicles Notice of Recorded Lien, 091201, by Summit Acceptance Corporation on a 1998 Chevrolet of David DeLano ..... D:335
  - c) Retail Installment Contract and Security Agreement of June 19, 2001, between Auto Solutions and David DeLano for the purchase of a 1998 Chevrolet Blazer ..... D:336

d) Proof of Claim entered on March 8, 2004, by Erich M. Ramsey for Capital One Auto Finance ..... D:340

596. Att. **Werner’s** letter of **February 16, 2005, to Trustee Reiber** accompanying the following incomplete documents described as “relevant **portion** of Mr. and Mrs. **DeLano’s Abstract of Title**” in response to “your request at the adjourned 341 Hearing”; these documents begin thus:..... D:341

    a) “4. Church of the Holy Spirit of Penfield New York” ..... D:342

    b) “Public Abstract Corporation”, concerning an interest in premises from October 5, 1965, recorded in Liber 3679, of Deeds, at page 489, of the Records in the office of the Clerk of the County of Monroe, New York ..... D:344

    c) “#12,802 Abstract of Title to Part Lot 45 Township 13, Range 4, East Side Shoecraft Road, Town of Penfield” ..... D:345

    d) “33516 Abstract to Lot #9 Roman Crescent Subdivision”..... D:347

    e) “Mortgage Closing Statement April 23, 1999, 1262 Shoecraft Road, Town of Penfield \$95,000”..... D:351

    f) “U.S. Department of Housing and Urban Development Optional for Transactions without Sellers” ..... D:353

597. Dr. **Cordero’s** motion of **February 17, 2005, to request that Judge Ninfo recuse himself** under 28 U.S.C. §455(a) from *DeLano* and *Pfuntner* due to his lack of **impartiality**..... D:355

    a) Dr. **Cordero's** motion of **August 8, 2003, for Judge Ninfo to transfer Pfuntner v. Trustee Gordon et al., no. 02-2230, WBNY, to the U.S. District Court in Albany, NDNY, and recuse himself** due to bias ..... D:385

    b) Dr. **Cordero’s** motion of **November 3, 2003, in the Court of Appeals** for the Second Circuit for leave to file an **updating** supplement of **evidence of bias** in Judge **Ninfo’s** denial of Dr. Cordero’s request for a trial by jury ..... D:425

    c) Dr. **Cordero’s** motion of **September 9, 2004, in CA2 to quash the order of WBNY Judge Ninfo** of August 30, 2004, **that severs a claim from** his appeal *In re Premier Van et al., no. 03-5023, CA2*, so that the Judge can decide it in *In re DeLano, no. 04-20280, WBNY*, thus making a mockery of the appeal process ..... D:440

598. Dr. **Cordero’s** letter of **February 22, 2005, to Trustee Reiber analyzing the documents** produced by Att. Werner as incomplete, incapable of explaining the flow of mortgages, silent on equity, and at odds with information previously provided; and requesting that the **Trustee recuse himself** or **hire professionals** to conduct a title search and appraisal, and follow the money earned by the DeLanos ..... D:461

599. Letter of Karl S. **Essler**, attorney for David Dworkin and Jefferson Henrietta Associates, of **February 22, 2005, to Judge Ninfo**, stating Mr. Essler's belief that the Judge has done **nothing** that warrants **granting** Dr. Cordero's motion for his **recusal** ..... D:468
600. Trustee **Reiber's** letter of **February 24, 2005, to Att. Werner requesting information** about the **mortgage to Columbia** Bank (D:350) that later on ended up with the government -HUD, Housing and Urban Development (D:353)- but that is **not** recorded as having been **discharged** ..... D:469
601. Dr. **Cordero's** letter of **March 1, 2005, to Trustee Schmitt** serving on her a copy of his February 22 letter to Trustee Reiber (D:461), pointing out the need to grant the requests made to and denied by Trustee Reiber, and requesting that she take a position on the letter and its requests and inform Dr. Cordero thereof in writing [never replied to] ..... D:470
602. Dr. **Cordero's** letter of **March 10, 2005, to Assistant U.S. Trustee Schmitt** accompanying the required blank tapes to have an official **copy** of the **recording** of the §341 **examination** of the DeLanos at Trustee Reiber's office on **February 1, 2005**, and requesting an answer to the letter of March 1, 2005 (D:470) [never replied to] ..... D:471
603. Att. **Werner's** letter of **March 10, 2005, to Trustee Reiber** in response to the latter's letter of February 24 concerning **records of discharge of mortgages** of the DeLanos (D:469) ..... D:472
604. Dr. **Cordero's** letter of **March 19, 2005, to Att. Werner** stating that **no enclosures** were sent to Dr. Cordero with the copy of Att. Werner's March 10 letter to Trustee Reiber (D:472) and requesting that he send a list of everything that Att. Werner sent to the Trustee as well as a copy..... D:473
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606. Letter of Ms. Jill **Wood, Assistant to Trustee Schmitt**, of March 23, 2005, **apologizing** for having sent a copy of a **recording** made on **March 8, 2004** -which had nothing to do with the DeLanos except the date of the meeting of creditors- and **accompanying** a copy of a **recording** labeled as that of the §341 examination of the DeLanos on **February 1, 2005** ..... D:476

607. Att. **Werner**'s letter of **March 24**, 2005, to Dr. **Cordero** with 14 "copies of the enclosures to our letter to Trustee Reiber of March 10, 2005, which were apparently omitted from your copy of the correspondence" ..... D:477
- a) **Printouts** of screenshots of February 25, 2005, of electronic records **indexing** of the Monroe County Clerk's office .....D:478
608. Dr. **Cordero**'s letter of **March 29**, 2005, to Trustee **Reiber** (copied to Trustees **Schmitt** and **Martini**) commenting on the **uselessness** of the printed **screenshots from the website** of the County Clerk's Office that Att. **Werner produced** in response to the Trustee's request for information about a mortgage of the DeLanos; asking **whether** his lack of protest means that the **§341 examination** of the DeLanos on **February 1**, 2005, was a **charade** that he conducted with no intention to obtain any financial information from the DeLanos; and **requesting** that he either take certain steps to **obtain that information or recuse himself** and let another trustee be appointed who can conduct an efficient investigation of the DeLanos [never replied to] ..... D:492
609. **Assistant Wood**'s letter of **April 6**, 2005, to Dr. Cordero accompanying a copy of "the **341 hearing tapes** for March 8, 2004" -meaning tapes of the §341 meeting of the DeLanos' creditors held on that date at Trustee Schmitt's Office- stating where it begins on the tape and that she mistakenly told him that the recording included Trustee Reiber's introduction, which is on a video tape and is not recorded on the audio tape ..... D:495
610. **Docket** of *In re David G. and Mary Ann DeLano*, no. 04-20280, WBNY, as of May 10, 2006 ..... D:496
611. -630. reserved

Dated: August 1, 2006  
59 Crescent Street  
Brooklyn, NY 11208-1515



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**II. Table of Exhibits of Add:# pages  
in the Addendum**

[Add:509](#); [Add:711](#); [Add: 911](#)

to the Designated Items in the Record of *In re DeLano*, WBNY,  
and accompanying the appellate brief of December 21, 2005  
in *Cordero v. DeLano*, no. 05cv6190L, WDNY  
as of August 1, 2006

by  
Dr. Richard Cordero, Esq.

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- V. The court reporter that recorded stenographically the sham evidentiary hearing refused to certify that her transcript would be accurate, complete, and tamper-free, and Dr. Cordero requested Judge Larimer that she be replaced and reported for investigation, but he refused to do so and ordered Dr. Cordero to obtain the transcript from that reporter anyway, thus disregarding the doubt that she had cast on its reliability and its detrimental impact on the integrity of the appeal process ..... ToEAdd:229
- VI. Dr. Cordero showed on the basis of Trustee Reiber’s “report” that he had conducted no investigation of the DeLanos at all and requested that Judges Larimer and Ninfo order the production of documents, such as those of their mortgages and the transcript that the Trustee had a private reporter prepare of the meeting at which Dr. Cordero had examined the DeLanos, that would show that the DeLanos had procured through fraud the confirmation of their plan of debt repayment, but both Judges refused to ask for a single document, not to mention revoke the confirmation ..... ToEAdd:231

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**IV. After Bankruptcy Judge Ninfo disallowed at a sham evidentiary hearing Dr. Cordero’s claim against Mr. DeLano, whose testimony had corroborated it, District Judge Larimer ordered Dr. Cordero to file his appellate brief before the transcript, with its incriminating evidence of bias and unlawfulness, had even been started to be prepared, let alone its docketing by the court effected as required, whereby he protected his peer and the DeLanos by violating FRBkrP 8006 and 8007**

(emphasis is added unless emphasis in the original is stated)

- 631. Judge **Ninfo’s** statements on pages 3 and 4 (D:5-6) of his decision on appeal of **April 4, 2005**, portraying Dr. **Cordero** as a **liar and a perjurer** concerning his status and work as a lawyer ..... Add:509
- 632. Letters, briefs, motions, applications, and statements in which Dr. **Cordero** gave **notice** since 2002 that **he is a lawyer to Judge Ninfo and the parties** and in turn the parties acknowledged that fact to the Judge, which casts doubt on the truthfulness of the Judge’s allegation that “neither the Court nor any of the courtroom staff recalls such an admission” or on his competency in reading those documents at all or with the minimal degree of due care required of a lawyer, let alone a judge ..... Add:510
- 633. Dr. **Cordero’s** letter of **September 27, 2002**, to Judge **Ninfo** identifying himself as a **lawyer** ..... Add:513
- 634. Judge **Ninfo’s** letter of **October 8, 2002** acknowledging receipt of Dr. Cordero’s letter of September 27, 2002 ..... Add:514
- 635. Report for Judge **Ninfo’s** search of **February 23, 2005**, for **Richard Cordero** in the New York State **Attorney Directory** ..... Add:515
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**a Richard Cordero** worked at his former law firm of Heller, Jacobs & Kamlet in a **paralegal** capacity, was not a lawyer, and was **not the Richard Cordero, Esq.**, to whom he handed the affirmation ..... Add:526

640. **Affirmation** of Anthony M. **Heller**, Esq., of **April 21**, 2005, stating that his former law **firm** of Heller, Jacobs & Kamlet **employed a paralegal** named Richard Cordero, who was never an attorney, but **never employed Dr. Richard Cordero** or anyone else named Richard Cordero who was an attorney, and that his firm went out of business at the end of 2003 ..... Add:529

641. **Docket** of *Pfuntner v. Trustee Gordon et al.*, no. 02-2230, WBNY, as of May 10, 2006 ..... Add:531

642. Extracts from the **American Bar** Association Model Code of **Professional Responsibility**..... Add:551

643. Extract from the **New York Code of Professional Responsibility: Canons and Disciplinary Rules**..... Add:552

644. **Letter** of **May 3**, 2005, of Linda C. Smith, Senior Account Representative at **Martindale-Hubbell**, to Dr. **Cordero** acknowledging that through an **internal error** his record was **associated to** that of the **law firm** of Heller, Jacobs & Kamlet..... Add:553

645. **FindLaw** Manager Brian Doyle’s letter of **May 4**, 2005, to Dr. **Cordero** stating that they could **not identify** any precise **event** or request that **associated him to** the **law firm** of Heller, Jacobs & Kamlet..... Add:554

    a) **FindLaw’s corrected listing** as of **April 26**, 2005, concerning Richard Cordero..... Add:555

646. Dr. **Cordero’s petition** of **January 20**, 2005, to the **Supreme Court** of the United States for a Writ of **Certiorari** to the Court of Appeals for the Second Circuit, docket no. 04-8371 ..... Add:557

    a) Prefatory material

        1) Questions Presented..... Add:557

        2) Index of Appendices ..... Add:558

        3) Table of Authorities Cited ..... Add:584

        4) Table of Headings of the Petition for Certiorari..... Add:588

    b) Substantive material

        I. Opinions Below ..... Add:590

        II. Jurisdiction ..... Add:590

        III. Constitutional and Statutory Provisions Involved..... Add:591

IV. Statement of The Case ..... Add:592

V. Reasons for Granting The Writ..... Add:604

VI. Conclusion..... Add:629

647. **18 U.S.C. §3057(a)** on the duty to report to the U.S. Attorney grounds for believing that **bankruptcy fraud** has been committed or that an **investigation** in connection therewith is needed..... Add:630

648. **28 U.S.C. §158 Appeals** (As amended April 20, 2005, P.L. 109-8, Title XII, § 1233(a), 119 Stat. 202) ..... Add:630

649. U.S. District Court, WDNY, **Local Rules** of Civil Procedure, Rule 5.1 on **pleading a RICO** count..... Add:633

650. Biographical note of Bankruptcy Judge John C. Ninfo, II, showing that he was a partner in the law firm of Underberg & Kessler, LLP, at the time of his appointment to the bench;  
<http://www.nywb.uscourts.gov/aboutjcn.php> ..... Add:636

651. Judge **Ninfo's citations** to authority in his decision on appeal of April 4, 2005 ..... Add:637

    a) 9C Am Jur 2d Bankruptcy ..... Add:638

    b) Norton Bankruptcy Law and Practice 2d..... Add:643

    c) 9 Collier on Bankruptcy § 3001.09, 15th Edition Revised ..... Add:649

    d) In re Youroveta Home & Foreign Trade Co., 297 F. 723 (1924)..... Add:651

    e) In re Burrows, 156 F.2d 640 (2nd Cir. 1946) ..... Add:654

652. **Bankruptcy Court's notice of April 11, 2005, to Dr. Cordero** to request that pursuant to FRBkrP 8006 he **perfect the record** of his **appeal in DeLano** to the District Court by submitting by April 21 his designation of items in that record and his statement of issues on appeal..... Add:679

653. **Dr. Cordero's Designation of April 18, 2005, of Items in the Record and Statement of Issues on Appeal (D1-508)** ..... Di

654. **Dr. Cordero's letter of April 18, 2005, to Bankruptcy Court Reporter Mary Dianetti** requesting that she state "the number of stenographic packs and the number of folds in each pack that you used to record that hearing and that you will be using to prepare the transcript" of her own recording of the evidentiary hearing in *DeLano* on March 1, 2005, and indicate the **cost of the transcript** ..... Add:681

655. **Dr. Cordero's letter of April 19, 2005, to Trustee Martini** requesting that she **remove Trustee Reiber** and let Dr. Cordero know what she intends to do [never replied to] ..... Add:682

656. **Dr. Cordero's letter of April 21, 2005, to Trustee George Reiber**

- requesting a response to his letter of March 29 (D:492) concerning the **uselessness of Att. Werner’s** printouts of **screenshots** from the Monroe County Clerk’s Office website (D:478) that were to have provided information about the DeLanos’ mortgages (D:461, 469) and sending him a **copy** of the **Designation** and Statement (Di) [never replied to] ..... Add:683
657. Dr. **Cordero's** letter of **April 21, 2005, to** Trustee **Schmitt requesting** for the **4<sup>th</sup> time** (D:470, 471, 474) a statement of **her position** on Trustee Reiber’s failure to investigate the DeLanos [never replied to]..... Add:685
- 657a. **Cover** letter of **Bankruptcy Court** Case Administrator Karen S. Tacy of **April 22, 2005, to** Dr. **Cordero** accompanying her **transmittal forms to District Court** Clerk Rodney C. Early and informing Dr. Cordero that the District Court Civil Case Number for the appeal is 05cv6190L ..... Add:686
- a) **Bankruptcy Court transmittal** form of **April 21, 2005,** addressed **to District Court Clerk** Rodney C. **Early;** marking as transmitted to the District Court Dr. Cordero’s April 9 “Notice of Appeal” (D:1) and April 18 “Statement of Issues and Designated Items of Appellant(s)” (Di); while marking as missing documents the “Statement of Issues and/or Designated items of Appellee(s)” ..... Add:687
658. **Bankruptcy Court’s** electronic **filing** on **April 22, 2005,** of the title cover of Dr. **Cordero’s Designation of Items** in the Record and Statement of Issues on Appeal **of April 18, 2005 (Di), and notice** that because it is **voluminous** it is available in **paper format only** and is available for review at the clerk’s office ..... Add:690
659. Judge **Larimer’s order** of **April 22, 2005,** informing Dr. **Cordero** that his appeal was docketed on that date and that he is **scheduled** “to file and serve his brief within twenty (20) days after entry of this order on the docket” ..... Add:692
- [**Comment:** Docketing occurred the day after Dr. Cordero’s Designation of Items was filed in Bankruptcy Court so that the record could not be complete given that the period for the DeLanos to file their Designation of Additional Items had just begun to run -their filing took place on May 3 (Add:711)- and the transcript had not even been started and was not finished and filed until November 4, 2005! Hence Judge Larimer lacked jurisdiction over the case and could not schedule any brief, whereby he did so with disregard for FRBkrP 8007(b).
660. **District Court’s** electronic **filing** on **April 22, 2005,** of Judge Larimer’s scheduling order of the same date ..... Add:694
661. Dr. **Cordero’s objection** of **May 2, 2005, to** Judge Larimer’s **scheduling order,** because “contact with the court reporter for preparation of the transcript has only been initiated so that the **transcript has not been even started,** let alone delivered for the appellant to take it into consideration when writing his brief on appeal”, whereby the **transmittal** of the **record** from the Bankruptcy to

- the District court was **premature**; and his request for the urgent **rescission** of the order and for the Judge to inform him of his decision promptly by fax on this occasion..... Add:695
662. Letter of **May 2, 2005**, by Devin L. **Palmer** on behalf of the DeLanos to **Bankruptcy Case Administrator** Tacy stating that **Appellant’s designated documents** included the necessary items; that “However, Appellant failed to include the four exhibits attached to Judge Ninfo’s April 4 Decision and Order of Judgment Ninfo [sic]. Those exhibits, clearly part of the record as an attachment to the decision appealed by Mr. Cordero are enclosed hereto (and that they are enclosed and attached under Document No. 90 of the online Docket); [the **documents sent** to and received by Dr. Cordero are the following] ..... Add:711
- a) James **Pfuntner’s** Interpleader **Complaint** filed on September 27, **2002**, to “Determine Rights in Property of the Debtor and in Property in the Debtor’s Possession, to Grant Plaintiff and Compel the Trustee to pay Administrative Expenses or Otherwise Determine the Liability of Those Found to Hold an Interest in the Debtor’s Property or Property in Possession of the Debtor for the Use and Occupancy of the Plaintiff’s Real Property, and to Vacate the Automatic Stay of Actions” ..... Add:712
  - b) Judge **Ninfo’s Order** of July 15, **2003**, providing for a series of “discrete” “discreet” hearings from October 16, 2003, **in Pfuntner** ..... Add:719
  - c) Judge **Ninfo’s Order** of October 16, **2003**, Disposing of Causes of Action **in Pfuntner**..... Add:725
  - d) Judge **Ninfo’s** Decision and **Order** of October 16, **2003**, Denying Recusal and Removal Motions and Objection of Richard Cordero to Proceeding with any Hearings and a Trial on October 16, 2003, **in Pfuntner** ..... Add:729
  - e) Judge **Ninfo’s** “Cordero Oral **Decision**” of October 16, **2003**, **in Pfuntner**..... Add:731
  - f) Judge **Ninfo’s** Decision & **Order** of October 23, **2003**, Finding a Waiver of a Trial by Jury, **in Pfuntner** ..... Add:741
  - g) Judge **Ninfo’s Scheduling Order** of October 23, **2003**, in Connection with the Remaining Claims of the Plaintiff, James Pfuntner, and the Cross-Claims, Counterclaims and Third-Party Claims of the Third-Party Plaintiff, Richard Cordero, **in Pfuntner** ..... Add:749
663. Dr. **Cordero’s** answer and **counterclaim** of November 1, **2002**, in *Pfuntner*..... Add:771
- a) Plaintiff **Pfuntner’s** **Summons** of **October 3, 2002**, in an



	<b>Adversary Proceeding (AP), no. 02-2230, to Dr. Cordero</b> .....	Add:777
b)	Letter of Michael <b>Beyma</b> , Esq., attorney for M&T Bank, of <b>August 15, 2002, to Dr. Cordero</b> .....	Add:778
c)	<b>Dr. Cordero’s letter of August 26, 2002, to Att. MacKnight</b> .....	Add:780
d)	<b>Trustee Gordon’s letter of September 23, 2002, to Dr. Cordero</b> .....	Add:781
e)	<b>Dr. Cordero’s letter of October 7, 2002, to Att. MacKnight</b> .....	Add:782
f)	<b>Dr. Cordero’s letter of October 17, 2002, to Plaintiff Pfuntner</b> .....	Add:783
664.	<b>Att. Beyma’s letter of August 1, 2002, to Dr. Cordero</b> .....	Add:784
665.	<b>Dr. Cordero’s third-party complaints and cross-claims of November 21, 2002, in Pfuntner</b> .....	Add:785
a)	Letter of David <b>Dworkin</b> , owner/manager of <b>Jefferson Henrietta</b> Associates warehouse, of March 1, 2002, to Dr. Cordero .....	Add:805
b)	<b>Bill</b> for storage and insurance from <b>Jefferson Henrietta</b> Associates of <b>March 7, 2002, to Dr. Cordero</b> .....	Add:806
c)	Manager <b>Dworkin’s</b> letter of <b>April 25, 2002, to Dr. Cordero</b> .....	Add:807
d)	Trustee <b>Gordon’s</b> letter of <b>April 16, 2002, to Manager Dworkin</b> .....	Add:808
e)	Trustee <b>Gordon’s</b> letter of <b>June 10, 2002, to Dr. Cordero</b> .....	Add:809
f)	Att. <b>Stilwell’s</b> letter of <b>May 30, 2002, to Dr. Cordero</b> .....	Add:810
g)	Letter of Michael <b>Beyma</b> , Esq., attorney for M&T Bank, of <b>August 28, 2002, to Dr. Cordero</b> .....	Add:811
h)	Att. <b>MacKnight’s</b> letter of <b>September 19, 2002, to Dr. Cordero</b> .....	Add:812
i)	Trustee <b>Gordon’s</b> letter of <b>September 23, 2002, to Dr. Cordero</b> .....	Add:813
j)	Trustee <b>Gordon’s</b> letter of <b>October 1, 2002, to Judge Ninfo</b> .....	Add:814
666.	Trustee <b>Schmitt’s</b> letter of <b>October 8, 2002, to Dr. Cordero</b> that her office contacted Trustee Gordon and that when information is received and reviewed Dr. Cordero will be contacted.....	Add:816
667.	Judge <b>Larimer’s</b> order of <b>May 3, 2005, rescheduling</b> Dr. Cordero’s appellant’s <b>brief</b> for June 13 <b>without</b> making any <b>reference to</b> , much less discussing, any of Dr. Cordero’s legal and practical arguments for not scheduling the brief until after the filing of the <b>transcript</b> , whose preparation was <b>not yet even in sight</b> due to Reporter Dianetti’s failure to provide the requested information.....	Add:831
668.	<b>Bankruptcy Case Administrator</b> Tacy’s <b>transmittal</b> form of <b>May 3, 2005, to District Clerk Early</b> , marking “Perfected Record consisting of: Letter and supporting documents filed by Appellee” and “Other: Please note that the Appellee paper filed a copy of Appellant’s Designation of Items”,	

- transmitted despite the fact that item no. 112 of Dr. Cordero’s Designation (Di:xii) and the accompanying copy of his April 18 letter to Bankruptcy Court Reporter Dianetti (Add:681) gave the Bankruptcy Court notice that he wanted and had requested the transcript, which had **not** yet been **filed** so that the **record** was still incomplete under FRBkrP 8007(b) and could **not** be transmitted ..... Add:832
669. Reporter Dianetti’s letter of May 3, 2005, to Dr. Cordero stating that the transcript will cost between \$600 and \$650 and “Please understand that this is an estimate only”, and that “The information you requested regarding how many packs of [stenographic] paper and the number of folds was given to you after the hearing” ..... Add:834
670. Dr. **Cordero’s** letter of **May 10, 2005, to Court Reporter Dianetti asking** by how much more her **estimate** of the **transcript cost** between \$600 and \$650 can fluctuate and that such fluctuation “makes it all the more necessary that you state how many packs of stenographic paper and how many folds in each pack constitute the whole of your recording. I trust you will have no problem in providing me with this information this time” ..... Add:835
671. Dr. **Cordero’s motion of May 16, 2005, for the District Court to comply** with FRBkrP 8007 in the scheduling of his appellate brief **and** “rescind its scheduling order requiring that he file his brief by June 13 and reissue no such order until in compliance with FRBkrP 8007(b) it has received a complete record from the clerk of the bankruptcy court” ..... Add:836
672. Judge **Larimer’s rescheduling order of May 17, 2005, pretending that** “Appellant requested additional time within which to file and serve his brief”, and requiring that “Appellant shall file and serve his brief within twenty (20) days of the date that the transcript of the bankruptcy court is filed with the Clerk of the Bankruptcy Court”, and thus without referring to or discussing Dr. Cordero’s arguments for the Judge to comply with FRBkrP 8007..... Add:839
673. Court Reporter **Dianetti’s** letter of **May 19, 2005, to Dr. Cordero** stating that “I am unable to state by how much my estimate can fluctuate, if it fluctuates at all, unless I prepares the entire transcript” and that as to the **number of stenographic packs and folds** “I trust you already have that information” ..... Add:840
674. Dr. **Cordero’s** letter of **May 26, 2005, to Court Reporter Dianetti** that her calling her price range ‘an estimate’ defeats the purpose of stating an upper limit and requesting that she state the **maximum cost of the transcript** and “the **number of stenographic packs** and the number of **folds** in each that comprise the whole recording of the evidentiary hearing and **that will be translated** into the transcript” ..... Add:842

- 675. Court Reporter **Dianetti's** letter of **June 13, 2005**, stating that the maximum cost of the **transcript is \$650** and "I am listing the number of stenographic packs and the number of folds in each pack and this is the same information that was given to you on the afternoon of the hearing" ..... Add:843
- 676. Dr. **Cordero's** notice of **June 20, 2005**, to the **District Court** of his **efforts to obtain the transcript of the evidentiary hearing** before Judge Ninfo on March 1, 2005, of the **DeLanos' motion to disallow his claim** ..... Add:845
- 677. Dr. **Cordero's** motion of **June 20, 2005**, for the District Court to **stay** in Bankruptcy Court *Pfuntner v. Trustee Gordon et al.*, no. 02-2230, WBNY, and **join** the parties in that case to the **DeLano** appeal ..... Add:851
  - a) Dr. **Cordero's** statement of June 18, 2005, to the *Pfuntner* parties on Judge Ninfo's linkage of *Pfuntner* and *DeLano* in the Judge's April 4 decision on appeal (D:3), where the Judge traced the origin of *DeLano* through documents filed in *Pfuntner*, which he attached to his decision and which the DeLanos' attorney not only included in their Designation of Additional Items on the Record (T<sub>OE</sub>Add:226>711 et seq.), but also added other *Pfuntner* documents to them, whereby they all demonstrated that they viewed the two cases inextricably linked..... Add:853

**V. The court reporter that recorded stenographically the sham evidentiary hearing refused to certify that her transcript would be accurate, complete, and tamper-free, and Dr. Cordero requested Judge Larimer that she be replaced and reported for investigation, but he refused to do so and ordered Dr. Cordero to obtain the transcript from that reporter anyway, thus disregarding the doubt that she had cast on its reliability and its detrimental impact on the integrity of the appeal process**

- 678. Dr. **Cordero's** letter of **June 25, 2005**, to Reporter **Dianetti** requesting that she state whether she merely **copied the numbers of packs and folds** that she gave him at the end of the March 1 evidentiary hearing or counted those that she will actually transcribe, which she necessarily had to do to calculate her cost estimate; and that she agree to **certify that her transcript will be complete, accurate, and free of tampering influence** ..... Add:867
- 679. Court Reporter **Dianetti's** letter of **July 1, 2005**, to Dr. **Cordero** requiring that he **prepay \$650** for the transcript and stating that "The balance of your letter of June 25, 2005 is rejected" ..... Add:869

- 680. Application of **July 7, 2005**, by Christopher Werner, Esq., **attorney for the DeLanos**, for **\$16,654** in **legal fees** for services rendered to the DeLanos..... Add:871
  - a) Att. Werner’s itemized invoice of June 23, 2005, for legal services rendered to the DeLanos, consisting almost exclusively of maneuvers to avoid production of Dr. Cordero’s requested documents, beginning with the entry on April 8, 2004 “Call with client; Correspondence re Cordero objection” and ending with that on June 23, 2005 “(Estimated) Cordero appeal” ..... Add:872
- 681. Dr. **Cordero’s motion of July 13, 2005**, for the District Court, WDNY, to **stay the confirmation** hearing in Bankruptcy Court of the debt repayment plan (D:59) in *DeLano*, no. 04-20280, WBNY, and the confirmation order; **withdraw DeLano** to itself pending appeal; **remove** Trustee George Reiber; and take **notice of** Dr. Cordero’s addition of issues to the **appeal**..... Add:881
  - a) Dr. **Cordero’s affidavit of July 11, 2005**, in support of his July 13 motion in District Court for a stay; removal of the Trustee; etc. .... Add:886
  - b) Dr. **Cordero’s proposed order** submitted to District Judge David G. Larimer with his July 13 motion..... Add:907
- 682. Dr. **Cordero’s motion of July 18, 2005**, for the District Court to have Bankruptcy Court **Reporter Mary Dianetti referred to the Judicial Conference** for investigation of her refusal to certify the reliability of her transcript ..... Add:911
  - a) Dr. **Cordero’s proposed order** submitted to Judge Larimer with his motion of July 18, 2005, to **refer Reporter Dianetti to the Judicial Conference**..... Add:932
- 683. Att. **Werner’s** ingratiating letter of **July 19, 2005**, to Judge Larimer accompanying: ..... Add:935
  - a) Att. **Werner’s** “Statement in **opposition to Cordero motion** [sic] to stay confirmation and other relief”, because “Richard Cordero sets forth no substantive basis for any of the relief requested in his current Motion, nor does he have any interest in the DeLano matter whatsoever, as determined by Judge Ninfo” (a conclusory assertion unsupported by any legal discussion, and revealing Att. Werner’s failure to recognize Dr. Cordero’s status as a party in interest, not to mention as appellant) ..... Add:936
- 684. Trustee **Reiber’s undated “Findings of Fact and Summary of 341 Hearing”** ..... Add:937

- a) **Undated and unsigned** sheet titled **“I/We filed Chapter 13 for one or more of the following reasons”** ..... Add:939
- 685. Judge **Ninfo’s order of August 8, 2005, instructing M&T Bank to deduct \$293.08 biweekly from his employee, Debtor David DeLano, and pay it to Trustee Reiber** ..... Add:940
- 686. Judge **Ninfo’s Decision and Order of August 9, 2005, confirming upon “the Trustee’s Report [Add:937] and the testimony of Debtor” the DeLanos’ debt repayment plan [D:59]; finding that “Any objections to the plan have been disposed of”; and allowing payment of legal fees in the amount of \$18,005 to Att. Werner by the DeLanos [who stated in Schedule B of their January 2004 bankruptcy petition (D:31) that they had only \$535 in cash and on account]**..... Add:941
- 687. Trustee **Reiber’s Acknowledgment of August 19, 2005, of Claim and Notice of the Manner of the Proposed Treatment of Dr. Cordero’s Claim, stating that its amount is zero and its classification is “ignore”, and remarking that the claim is disallowed**..... Add:944

**VI. Dr. Cordero showed on the basis of Trustee Reiber’s “report” that he had conducted no investigation of the DeLanos at all and requested that Judges Larimer and Ninfo order the production of documents, such as those of their mortgages and the transcript that the Trustee had a private reporter prepare of the meeting at which Dr. Cordero had examined the DeLanos, that would show that the DeLanos had procured through fraud the confirmation of their plan of debt repayment, but both Judges refused to ask for a single document, not to mention revoke the confirmation**

- 688. Dr. **Cordero’s notice of motion and motion of August 23, 2005, to compel the production of documents and take other actions necessary for the exercise of the District Court's supervision over the Bankruptcy Court and of Appellant's right of appeal, and for the proper determination of this appeal, returnable on September 12** .....Add:951
  - a) Dr. **Cordero’s proposed order** submitted to Judge Larimer **with the motion of August 23, 2005, for the District Court to compel document production**.....Add:977
- 689. Letter of David D. **MacKnight, Esq., attorney for James Pfuntner, of September 2, 2005, to Judge Larimer entering a limited response to Dr. Cordero’s August 23 motion to compel production of documents (Add:951), and asking that such motion be denied** insofar as it concerns

- Mr. Pfuntner and that the **name Pfuntner** be **stricken** from any order issued in connection with that motion .....Add:985
690. Att. **Werner's** response of **September 7, 2005**, on behalf of the DeLanos, addressed to Judge **Larimer** to **oppose Dr. Cordero's motion** by stating that "it does not appear that Cordero has fully perfected the appeal to date; Judge Ninfo has already determined that Cordero has no claim in this proceeding and is not a creditor...[so] there is no basis for the current Motion herein by Cordero; [and] all other aspects of the Cordero Motion...have no merit nor any procedural basis herein" ..... Add:988
691. Judge **Larimer's** decision and **order of September 13, 2005**, stating that Dr. Cordero's motion "to refer a bankruptcy court reporter to the Judicial Conference for an "investigation" is denied in all respects" because "The prolix submissions might lead one to believe that this is a significant problem. It is not. It is a tempest in a teapot" and with nothing more, let alone a legal argument, ordering that "The matter must be resolved as follows", where he **required Dr. Cordero to request** in writing Reporter Dianetti to prepare the **transcript**, which he "has no right to "condition" his request in any manner" (but see Add:1004§IV), **and prepay** her fee of \$650 ..... Add:991
692. Dr. **Cordero's** motion of **September 20, 2005**, for **reconsideration** of Judge Larimer's decision and order **concerning Reporter Mary Dianetti** and the **transcript** necessary for the appeal..... Add:993
693. Judge **Larimer's order of October 14, 2005**, stating that "The motion for reconsideration [Add:993] is in all respects denied", with not a single argument indicating that the Judge had even read it or noticed that it was returnable on November 18, whereby his premature order deprived the other parties of the right to write a paper or be heard on it, and revealing that he assumed or knew that they would not exercise such right and that even if they did so it would not matter because he had already predetermined that the motion was to be denied; and then **directing** Dr. Cordero to **request the transcript within 14 days** and pay the \$650 fee lest he be found to have failed to perfect his appeal and have it dismissed..... Add:1019
694. Judge **Larimer's order of October 17, 2005**, "den[y]ing in their entirety" Dr. **Cordero's** three pending **motions** [Add:851, 881, 951] but referring to not even one of his legal arguments if only to show that the Judge had bothered to read the motions before expediently getting them out of the way with once more the lazy and **conclusory fiats** that "there is no basis in law to support such relief", "these motions are wholly without merit", and "it completely lacks merit" ..... Add:1021
695. **Letter of Bankruptcy Clerk Paul R. Warren of October 20, 2005, to Judge Larimer to inform** him of Dr. **Cordero's letter** to Contracting Officer Frieday and qualifying it as "an effort to both avoid your Order and to

- intimidate the Bankruptcy Court’s clerical staff” ..... Add:1024
696. Dr. **Cordero’s letter of October 18, 2005, to Contracting Officer** Melissa Frieday, stating in the first sentence that he had been **referred** to Officer Frieday **by the Chair of the Executive Committee of the Judicial Conference**, Chief Judge Carolyn Dineen King, CA5; and **requesting** that she **replace Reporter** Dianetti in preparing the transcript, investigate her refusal to certify its reliability, and refer the matter to U.S. Attorney General Alberto Gonzales ..... Add:1025
697. Dr. **Cordero’s letter of October 24, 2005, to Reporter Dianetti requesting** that she prepare the **transcript** of the March 1 evidentiary hearing in Bankruptcy Court, enclosing with it a certified **check** for **\$650**, and stating that the request was being made **under the compulsion** of Judge Larimer’s order and with **reservation** of all **his rights** ..... Add:1027
698. Dr. **Cordero’s notice of October 25, 2005, to Judge Larimer** that he complied with his order by **requesting** Reporter Dianetti to produce the **transcript** and providing payment, **but did so under compulsion** of his October 14 order (Add:1019) and under reservation of his right to challenge the order and the request on appeal ..... Add:1031
699. Dr. **Cordero’s cover letter of October 25, 2005, to the Bankruptcy Court accompanying his notice** of the same date to the District Court of having **complied** with the order of Judge Larimer that directed him to request the transcript (Add:1019) **and stating** that such notice was **his response to** Bankruptcy Clerk of Court **Warren’s** letter to Judge Larimer of October 20 (Add:1024) ..... Add:1037
700. Reporter **Dianetti’s** letter of **November 4, 2005, to Dr. Cordero** stating that she received on November 2 his letter with enclosed check (Add:1027) requesting the transcript of the evidentiary hearing of March 1, 2005, of the DeLanos’ motion to disallow his claim (D:218), and was filing her transcript that day in Bankruptcy Court, sending him a paper and a PDF copy of it, and returning to him the balance of his prepayment..... Add:1071
701. Reporter **Dianetti’s** statement **to Dr. Cordero**, on the first page of the transcript of November 4, 2005, identifying the hearing that it reported and stating its **final cost** ..... Add:1072
702. Reporter **Dianetti’s certificate** of November 4, 2005, accompanying her transcript of the March 1 evidentiary hearing in *DeLano* and certifying that her “transcript is a true and accurate transcription “of her report in stenotype machine shorthand of such proceeding ..... Add:1073
- [**Comment:** This transcript was made available only well over half a year after Dr. Cordero first approached the Reporter with his April 18 letter to obtain it. (Add:681)

Having caused the preparation of the transcript to drag for so long due to her refusal, among others, of Dr. Cordero's request that she certify its completeness, accuracy, and tamper-free condition (Add:867, 869), it is reasonable to think in parallel that upon receiving the request for the transcript on November 2, Reporter Dianetti did not set out on a mad rush to prepare it practically overnight in order to mail it to Dr. Cordero on November 4. She had no motive and hardly the capacity to drop everything that she was doing and miss her normal courtroom work in Bankruptcy Court on Wednesdays, such as November 2, in order to cash Dr. Cordero's check, transcribe close to 200 pages, write her letter, and her certificate, and her statement, and make a copy on paper and another on a PDF file on a CD, file a copy in Bankruptcy Court, and go to the post office to get a money order for the balance of the prepayment of her estimated cost of the transcript, and pack everything, and mail it to Dr. Cordero...and breathe! On four occasions, she took much longer to write just a single letter to respond to Dr. Cordero's letters concerning the transcript (table of dates at Add:912), not to mention the more than two and a half months from January 8 to March 26, 2003, that she took to prepare and send a previous transcript, the one in *Pfundner*, which ran to only 17 pages (A:265-281).

Consequently, one must conclude that Reporter Dianetti had already prepared the transcript and upon receiving Dr. Cordero's request with prepayment simply mailed a copy to him. That raises several questions:

1. Who asked her to make the transcript and presumably pay for it?
2. Since the therein-reported evidentiary hearing took place on March 1, 2005, did Judges Ninfo or Larimer already have it by April 22?
3. Anyway, did they use or need the transcript to realize that it would incriminate Judge Ninfo in bias and disregard for the law, the rules, and the facts at the hearing and that Mr. DeLano's testimony corroborated Dr. Cordero's assertion of his claim against him, so that they decided to keep it from Dr. Cordero receiving and making it part of the record on appeal, which they could expect Dr. Cordero eventually to file with CA2 and the Supreme Court? (cf. A:1301, Add:556; T0E C:55>C:1271>Comment)
4. Was the objective of depriving Dr. Cordero of the transcript pursued by Judge Larimer issuing his April 22 order (Add:692) requiring Dr. Cordero to file his appellate brief within 20 days even though Dr. Cordero had sent the Court a copy of his April 18 letter to Reporter Dianetti (Add:681) where he asked her for an estimate of the transcript's cost, from which the Judge could deduct that the Reporter had hardly received the original of that letter so that there could not be even an agreement to start preparing it, let alone any date to complete it?
5. Did Judge Larimer pursue the same objective by issuing his subsequent order of May 3 (Add:831) under similar circumstances?



6. Was the realization of the dismal quality of the transcript (see Comment below), known from other transcripts yet tolerated, a factor in Judge Larimer denying Dr. Cordero's motion of July 18, 2005 (Add:911) to refer Reporter Dianetti to the Judicial Conference for investigation of her refusal of Dr. Cordero's request that she agree to certify its reliability (Add:867, 869)?]

703. **Transcript of the Evidentiary Hearing held on March 1, 2005, before Judge Ninfo of the DeLanos' motion to disallow Dr. Cordero's claim as creditor, which was disallowed, leading to Dr. Cordero being stripped of standing and eliminated from any further proceedings in DeLano, whereupon the appeal Cordero v. DeLano, 05-cv-6190, WDNY, ensued .....Tr:1-190**

[**Comment:** In the printed volume of the Addendum, the Transcript is found at the end of it as the last item. There it consists of a copy of the hardcopy provided by Reporter Dianetti. She also provided a digital version of her transcript in a PDF file; a copy of each file is found in the Tr folder on the CD since Dr. Cordero scanned the paper copy.

Reporter Dianetti produced a PDF file that is defective: To begin with, its layout is misaligned. In the hardcopy of her transcript each page bears text with its lines numbered 1-25 and with the page number in the page header. However, in the digital copy each such page straddles two pages and has two page numbers, that is, one at the bottom of the page and one with the header somewhere on the page. As a result, making and finding a reference to it is problematic and confusing.

In his appellate and reply briefs (Pst:1231, 1381), Dr. Cordero cited the pages of the hardcopy version and used the format Tr.#, where # stands for the only page number that they had, that is, the one on the header. Thus, to maintain consistency and preserve the validity of the citations in those briefs, all documents herewith use the same Tr.# format and header page number to cite the digital version of the transcript in the PDF file included on the CD. This is also necessary for a grave fact: **The PDF version is MISSING PAGES!** It has 169 pages while the paper version has 190 and a comparison shows gaps in the discussion. Somebody renumbered the pages consecutively on the footer after taking out some pages. Who did so, on whose instructions, and for what purpose?

On both versions Reporter Dianetti makes everybody, all professionals, come across as if they spoke Pidgin English. This is a reflection on her competency as a reporter. (C:1310¶52) As a matter of fact, this is not the first time that she turns out a transcript whose quality is so low that it is toil to understand whatever it was that she managed to find "intelligible" enough to take down stenographically. (cf. A:263; C:1303¶¶34-39).

So why do Judges Larimer and Ninfo keep her as the court reporter despite the dismal quality of her work? It is clear that since Judge Larimer repeatedly scheduled Dr. Cordero's appellate brief in *DeLano* to be filed before the transcript's production had even been started, let alone its

docketing had taken place (Add:1084§II), just as he had done before (Add:1086¶16), he never intended to read it to decide the appeal so he could not care less whether the transcript was written in broken English or official Mandarin.

As for Judge Ninfo, Reporter Dianetti tried to keep from Dr. Cordero the transcripts of the hearings that the Judge presided over and from whose decision Dr. Cordero appealed. Thereby she tried to protect the Judge from his unlawful conduct in summarily dismissing Dr. Cordero's cross-claims against Trustee Kenneth Gordon at the hearing on December 18, 2002, and disallowing his claim against Mr. DeLano despite the latter's own testimony corroborating it at the evidentiary hearing on March 1, 2005. Hence, it is reasonable to assume that Reporter Dianetti's willingness to violate to Judge Ninfo's benefit her duties under FRBkrP 8006 and 8007 and 28 U.S.C. §753 is the qualifying factor for the Judge to keep her in his employment. (Add:918§II)]

- 704. Dr. **Cordero's** notice of **motion** and motion of **November 5, 2005**, under 11 U.S.C. §1330(a) for Judge Ninfo to **revoke** his **order** of August 9, 2005, [Add:941] **confirming** the DeLanos' debt repayment **plan** [D:59], because it was procured by fraud ..... Add:1038
- 705. Dr. **Cordero's** **notice** of **November 9, 2005**, to the District Court of a) his November 5 **motion** [Add:1038] filed in **Bankruptcy** Court for Judge Ninfo to **revoke** for fraud the **confirmation** of Debtor DeLanos' plan; and of b) his **intent** that the attached **copy** be **filed** in the District Court's **appeal docket** of *Cordero v. DeLano*, no. 05cv6190L..... Add:1064
- 706. Judge **Ninfo's** **letter** of **November 10, 2005**, to Dr. **Cordero** **denying**, without stating any reason whatsoever, his request to **appear by phone** at the **hearing** [Add:1062¶66.e] of his motion returnable on November 16 [Add:1038], to **revoke** the confirmation of the DeLanos' debt repayment plan due to its procurement by fraud; and **requesting** that he **renotice** his motion to **state** the missing **time of day** when it would be heard ..... Add:1065
- 707. Dr. **Cordero's** **request** of **November 11, 2005**, for a **statement of reasons** for Judge **Ninfo** to **deny** his request to **appear by phone** [Add:1062¶66.e] at the hearing in Rochester set for November 16, despite the fact that Dr. Cordero, who lives in New York City, has so appeared before Judge Ninfo in 12 previous occasions; that such hearings on average last 15 minutes, which does not justify the trip's substantial cost in time and money; and that other parties are still allowed to appear by phone, so that the denial appears **arbitrary and discriminatory** ..... Add:1066
- 708. Dr. **Cordero's** **letter** of **November 11, 2005**, to the **parties** **advising** them that the time of the revocation motion **hearing** on November 16 is 11:00a.m. and that they should **contact** the **Court** or consult its electronic calendar in **PACER** (CM/ECF) before attending the hearing **given** Judge

- Ninfo's **denial** of Dr. Cordero's request to **appear by phone** ..... Add:1068
709. Att. **Werner's response** of **November 11**, 2005, "**to Cordero** motion [sic] to revoke confirmation", that "Dr. Cordero was previously **found** to have **no standing** for **lack** of any proper interest or **claim against** the **Debtors**" and "his **motion** is wholly **without merit** and...is without merit and should be denied" (without Att. Werner discussing any of Dr. Cordero's legal arguments or element of his statement of facts) ..... Add:1069
710. Dr. **Cordero's notice** of **November 12**, 2005, to the **District Court** of his filing a **request in Bankruptcy Court** for a statement of **reasons** for Judge **Ninfo** having **denied** his request to **appear by phone** at the hearing on November 16 of his **motion** to **revoke** {Add:1038} for fraud the **confirmation** of **Debtors'** debt repayment **plan**..... Add:1070
711. Dr. **Cordero's motion** of **November 15**, 2005, for the **District Court** to **comply** with the FRBkrP for **docketing** the transcript, **entering** the appeal, and **scheduling** the appellate brief ..... Add:1081
712. Dr. **Cordero's proposed order** submitted to Judge Larimer in connection with his motion of November 15, 2005, for the **District Court** to **docket** the transcript, **enter** the appeal, and **schedule** the appellate brief..... Add:1090
713. **November 16, 2005**, Hearing of Dr. **Cordero's motion** of **November 5**, 2005, (Add:1038) under 11 U.S.C. §1330(a) for Judge Ninfo to **revoke** his August 9 **order** (Add:941) **confirming** the DeLanos' debt repayment plan (D:59) because it was procured by fraud; denied (Add:1094) after the Judge maneuvered the absence at the hearing in Rochester of Dr. Cordero, who lives in New York City, by denying without stating any reason (Add:1065) his request, included in the motion (Add:1062¶66.e), to appear, as he had on 12 previous occasions, by phone (Add:1066); thereby the Judge made it possible that "Appearing in opposition: [alone was] George Reiber, Trustee...Order to be submitted by the Trustee" ..... entry between 150 and 151 on D:508f
714. Judge **Larimer's order** of **November 21**, 2005, a) granting in part Dr. Cordero's November 15 motion [Add:1081] **as if** "Appellant **requests** an **extension** of time to file his brief", **rather than** requests the **District Court** to **comply with** the **FRBkrP** on transcript docketing, appeal entering, and brief scheduling; b) confirming, as requested by Dr. Cordero, that "briefs are deemed filed the day of mailing"; and c) stating that "the remainder of the motion is denied" because "the appeal was docketed in April 2005 and all parties were notified...[and] it **now** appears that the **record** on appeal is **complete**" ..... Add:1092

[Comment: Thereby Judge Larimer implicitly admitted that the record was incomplete on April 22 when he issued his scheduling order (Add:692) requiring Dr. Cordero to file his brief within 20 days (cf.Add:695, 836).]

- 715. Judge **Ninfo's order of November 22, 2005 denying** Dr. **Cordero's** November 5 **motion to revoke** [Add:1038] due to fraud the order of confirmation [Add:941] of the **DeLanos' debt repayment plan** because Dr. Cordero has **no standing** in the case, is not a party in interest, and thereby cannot file the adversary proceeding necessary to seek revocation ..... Add:1094
- 716. Dr. **Cordero's** notice of motion and **motion of December 6, 2005, in** Bankruptcy Court to **quash** the order [Add:1094] **denying** the motion to **revoke** {Add:1038} due to fraud the order of confirmation [Add:941] of the DeLanos' plan, **revoke** the **confirmation**, and **remand DeLano** to the District Court..... Add:1095
- 717. Dr. **Cordero's motion of December 7, 2005, in District Court to withdraw** DeLano and *Pfuntner* from Bankruptcy Court and **declare** both: a) Judge Ninfo's **order** [Add:1094] **denying** his motion to **revoke** [Add:1038] due to fraud Judge Ninfo's order of confirmation [Add:941] of the DeLanos' plan [D:59]; and b) the order **confirming** [Add:941] such plan, **null** and void pending appeal ..... Add:1097
- 718. Judge **Ninfo's order of December 9, 2005**, peremptorily dispatching with an **"in all respects denied" one-liner** Dr. Cordero's December 6 motion [Add:1095], issued offhand on the same day of the **motion's** arrival and without any discussion of its detailed factual considerations and legal analysis of the Judge's **November 22 order** [Add:1094] **sought to be quashed** for denying the motion to revoke [Add:1038] confirmation [Add:941] of the DeLanos' debt repayment plan..... Add:1125
- 719. Dr. **Cordero's notice of December 16, 2005, to the District Court of his filing in** Bankruptcy Court of his **December 6 motion** [Add:1095] and pointing out how Judge Ninfo peremptorily dispatched [Add:1125] that 25-page motion on December 9, the day of its arrival, with his "in all respects denied" one-liner without any discussion of its detailed contents ..... Add:1126
  - a) Copy of Dr. **Cordero's motion of December 6, 2005, in Bankruptcy Court** [Add:1095]..... Add:1127
- 720. Judge **Larimer's order of December 19, 2005**, stating that "Appellant's motion is denied in all respects" concerning his December 7 motion (Add:1097) to withdraw *DeLano* and *Pfuntner* from Bankruptcy Court and nullify Judge Ninfo's decisions due to his condonation of a bankruptcy fraud scheme ..... Add:1155
- 721. -750. reserved

Dated: August 1, 2006  
 59 Crescent Street  
 Brooklyn, NY 11208-1515

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### III. Table of Exhibits of Pst:# pages in the Post-Addendum

Pst:1171

including the exhibits accompanying the reply brief of February 8, 2006, in *Cordero v. DeLano*, no. 05cv6190L, WDNY and other exhibits since;

as of August 1, 2006

by

Dr. Richard Cordero, Esq.

**VII. Judge Larimer denied production of every single document requested by Dr. Cordero from the DeLanos or the trustees, for they could prove their support of a bankruptcy fraud scheme; and further protected them and Judge Ninfo by refusing to post on the Court’s electronic case management system even the transcript or a single exhibit provided by Dr. Cordero both on a CD and in hardcopy with his appellate brief, thereby preventing them from being available publicly through PACER<sup>1</sup>**

(emphasis is added unless emphasis in the original is stated)

- 751. **Local Rules 25 and 32(a)(1)** of October 24, 2005, of the **Court of Appeals** for the Second Circuit **requiring** the submission in counseled cases of a **copy** of a brief in digital format as a **PDF file** ..... Pst:1171
- 752. Trustee **Reiber’s** list of **December 7, 2005**, of **allowed claims**, indicating a **debt forgiven** percentage of **87.39%** (as opposed to 78% provided for in the Plan (D:59) and the Notice of meeting of creditors (D:23)) and allowing Att. Werner a claim of \$9,948 (cf. Att. Werner’s fees of \$18,005 approved by Judge Ninfo in August 9, 2005 (Add:872, 938, 942); although the DeLanos claimed in their petition to have in hand and on account only \$535 (D:27/Sch:B)) ..... Pst:1174
- 753. **Dr. Cordero’s notice of December 16, 2005**, of **filing a motion** in **Bankruptcy Court** to **quash** the order **denying** the motion to **revoke**

<sup>1</sup> Judge Larimer’s refusal to post the transcript or the exhibits and the glaring mistakes of fact that he made in his order of denial are discussed at C:1307¶¶45-51.

due to fraud the order confirming the DeLanos’ Plan, revoke the confirmation, and remand the case..... Pst:1176

754. **Docket** of *Cordero v. DeLano*, no. 05cv6190L, WDNY, as of May 10, 2006 ..... Pst:1181

755. United States **District Court** for the Western District of New York Administrative Procedures Guide: The **Electronic Filing** System ..... Pst:1189

756. **Notice of February 6, 2004**, on the **obligation** in **WDNY** to file using the **Electronic Case Filing** (ECF) system **or a disk** ..... Pst:1209

757. **Notice of July 5, 2005**, on **WDNY** judicial **officers** who want **filings on paper** despite the Case Management (CM)/ECF system ..... Pst:1211

758. Letter from John Folwell, **clerk** at the **District Court**, of **January 3, 2006**, **to Dr. Cordero**, **returning his CD** with the Appellant’s Brief, the Designation of Items, and the Addendum in PDF files because “local court rules prohibit the Clerk’s office from accepting electronic filings...from pro se parties” ..... Pst:1213

759. Judge **Larimer’s order** of **January 4, 2006**, **denying Dr. Cordero’s request** –made by phone to Clerks John Folwell and Jean Marie McCarthy– “that the Addendum in Support of Appellant’s Brief be **filed electronically**...” because it “exceeds 1,300 pages. Scanning this lengthy document into the system would be very time consuming and unnecessary”, but without mentioning that the Appellant’s **Brief** (Pst:1231), the **Designation** of Items (D:1 et seq), and the **Addendum** (Add:509 et seq.) were provided by Dr. Cordero **on a CD in PDF** files so that there was no need to do any scanning at all..... Pst:1214

760. Dr. **Cordero’s** appellate **brief** of **December 21, 2005**, **to the District Court**, Judge David G. Larimer presiding, WDNY ..... Pst:1231

    a. Table of Contents ..... Pst:1231

        A. Tables of Authorities Cited, References, and Headings ..... Pst:1231

            3. Headings of the Body of the Brief ..... Pst:1254

        B. Basis of Appellate Jurisdiction ..... Pst:1257

        C. Issues Presented and Standard of Appellate Review ..... Pst:1257

        D. Statement of the Case ..... Pst:1257

        E. The Argument ..... Pst:1266

        F. Conclusion and Relief Sought ..... Pst:1306

    b. Proposed Order ..... Pst:1307

761. The DeLanos’ **answer** of **January 20, 2006**, by Devin Lawton Palmer, Esq..... Pst:1361

762. Dr. **Cordero’s motion** of **January 23, 2006**, for an **extension of time**



for him to mail and file his **reply** to February 10, 2006, **endorsed** by Judge **Larimer's** grant of it..... Pst:1379

763. Dr. **Cordero's** **reply** of **February 8, 2006, to the DeLanos' answer** by Attorney Palmer..... Pst:1381

    a. Dr. **Cordero's** letter of **February 10, 2006, to District Judge Larimer** stating that all the **record is complete**, all the briefs have been filed, and the case is **ready for submission** ..... Pst:1382

    b. Table of Contents ..... Pst:1383

        A. Tables of Authorities Cited, References, and Headings ..... Pst:1384

            3. Headings of the Body of the Reply..... Pst:1393

    c. Body of the Reply: §§I-VII..... Pst:1395

        I. The **Bankruptcy Abuse Prevention Act's** finding of "absence of effective oversight to eliminate abuse in the system" **renders** all the more **understandable** the presence **in this case** of the Act's target: fraud and a **bankruptcy fraud scheme** ..... Pst:1395

        VI. The purpose of the **Statement of Issues on Appeal** is to afford the appellee the opportunity to determine whether appellant's Designated Items in the Record is sufficient to prepare the appellee's answer and, if not, to designate additional items; whereby the Statement, which is not even part of the record, **does not limit the issues on appeal**..... Pst:1414

            A. Since the issues of the voidness of District Local Rule 5.1.(h) dealing with RICO, and of the unconstitutionality of the BAP provisions of 28 U.S.C. §158(b) could not have been dealt with in bankruptcy court for lack of jurisdiction, there were no items in the record that Appellees could have additionally designated if these issues had been included in Appellant's s R. 8006 statement so no harm has been caused by their inclusion in the Rule 8010(c) statement ..... Pst:1416

        VII. The **unaccounted-for money** establishes fraud & warrants the relief sought..... Pst:1418

    d. Table of Post-Addendum Items in the Record ..... Pst:1422

Dated: August 1, 2006  
 59 Crescent Street.  
 Brooklyn, NY 11208-1515

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**VII.A.3. Contact information with detailed index to exhibits, organized by categories listed in the order in which the *Follow the money!* investigation may proceed (see also the alphabetically organized table at ToEC:76)**

- |  |   |
|--|---|
| <p>I. <a href="#">The web of personal relationships in WDNY</a> (Stat. of Facts 4¶14 et seq.) and the bkr fraud scheme (C:660)</p> <p>a) <a href="#">The bankrupts</a></p> <p>b) <a href="#">The trustees</a></p> <p>c) <a href="#">The judges &amp; their staffs</a></p> <p>    i) <a href="#">Bankruptcy Court, WDNY</a></p> <p>    ii) <a href="#">District Court, WDNY</a></p> <p>d) <a href="#">Lawyers and law firms</a></p> <p>e) <a href="#">Bankruptcy professionals</a></p> <p>f) <a href="#">Warehousers</a></p> <p>g) <a href="#">Financial Institutions</a></p> <p>h) <a href="#">U.S. attorneys</a></p> <p>i) <a href="#">FBI agents</a></p> | <p>II. Higher courts protecting their judicial peers (Stat. of Facts 5§A et seq.)</p> <p>a) <a href="#">Court of Appeals for the 2nd Circuit</a></p> <p>    i) <a href="#">CA2 Judges</a></p> <p>    ii) <a href="#">Staff of CA2</a></p> <p>b) <a href="#">Judicial Council of 2nd Circuit</a></p> <p>    i) <a href="#">Circuit Justice</a></p> <p>    ii) <a href="#">Circuit Judges</a></p> <p>    iii) <a href="#">District Judges</a></p> <p>c) <a href="#">Administrative Office of the U.S. Courts</a></p> <p>d) <a href="#">Judicial Conference of the U.S.</a></p> <p>    i) <a href="#">Executive Committee</a></p> <p>    ii) <a href="#">Conference Members</a></p> <p>    iii) <a href="#">Committee to Review Circuit Council Conduct and Disability Orders</a></p> <p>e) <a href="#">Supreme Court of the United States</a></p> <p>    i) <a href="#">Judicial Conduct and Disability Act Study Committee</a></p> <p>f) <a href="#">U.S. Congress Committees on the Judiciary</a></p> |
|--|---|

I. The web of personal relationships in WDNY

**a) The bankrupts**

**Palmer, David**  
 Premier Van Lines, Inc.  
 1829 Middle Road  
 Rush, NY 14543  
 Tax id. no. 065-62-2753  
 (owner of Premier who filed for its bankruptcy under Ch. 11, Reorganization) (A:72¶10 et seq., 78§A, 88§B, 290-295, 351)

**Premier Van Lines, Inc.**  
 c/o David Palmer  
 1829 Middle Road  
 Rush, NY 14543  
 Tax id.: 16-1542181 (A:565)  
 (storage and moving company)

**DeLano, David Gene and Mary Ann**  
 1262 Shoecraft Road  
 Webster, NY 14580  
 Tax id. Nos. 077-32-3894; 091-36-0517)  
 (debtors in *In re DeLano* who filed under Ch. 13, Adjustment of debts of individuals with regular income)

- a) who the DeLanos are (C:1296¶¶9-16)
- b) notice of meeting of creditors (C:581)
- c) list of the DeLanos' creditors (C:583 & ToEC:25>583>Comment)
- d) bankruptcy petition (C:585; D:23)
- e) debt repayment plan (C:617; D:59)
- f) documents requested by the DeLanos (D:199, 206, 213)
- g) documents produced (C:1469-1479; D:165-188, 223-230, 280-282)
- h) mortgages and unaccounted-for proceeds (C:1312; 341-354, 472-491; cf C:492)
- i) analyses of documents (C:578)
- j) table comparing claims on the DeLanos (C:1415)

**DeLano, David Gene**

Assistant Vice President

M&T Bank

255 East Avenue

Rochester, NY 14604

tel. (585) 258-8475, (800) 724-2440

(3rd party defendant in *Pfuntner*

(A:82, 87; Pst:1285¶70);

(bkr. petitioner in *DeLano* (D:23-60)

defendant in *Cordero v. DeLano*)

(Pst:1281§§d-f)

**b) The trustees**

Executive Office of the U.S. Trustee

**(EOUST)**

20 Massachusetts Ave., N.W., Room 8000

Washington, D.C. 20530

tel. (202)307-1391; fax (202)307-0672

[http://www.usdoj.gov/ust/eo/ust\\_org/office\\_locator.htm](http://www.usdoj.gov/ust/eo/ust_org/office_locator.htm)

**Friedman, Lawrence A.**

Director

Executive Office of the U.S. Trustees

20 Massachusetts Ave., N.W.

Washington, D.C. 20530

tel. (202)307-1391; fax (202)307-0672

**Martini, Deirdre A.**

U.S. Trustee for Region 2

Office of the United States Trustee

55 Whitehall Street, 21st Floor

New York, NY 10004

tel. (212) 510-0500; fax (212) 668-2256

<http://www.usdoj.gov/ust/r02/>

(D:90§VII, 137, 139, 141, 158, 307, 330)

**Schwartz, Carolyn S.**

United States Trustee for Region 2

3 Whitehall Street, Suite 2100

New York, NY 10004

tel. (212)510-0500; fax: (212)668-2256

(A:101, 102)

**Schmitt, Kathleen Dunivin, Esq.**

Assistant U.S. Trustee

Federal Office Building, Room 6090

100 State Street, Room 6090

Rochester, New York 14614

tel. (585) 263-5812; fax (585) 263-5862

(A:37, 38, 52, 102; D:84§IV; D:160, 307,

470, 471, 474; ToEC:§VII.E Table 4)

**Kyler, Christine**

Assistant to Assistant U.S. Trustee

Federal Office Building, Room 6090

100 State Street, Room 6090

Rochester, New York 14614

tel. (585) 263-5812; fax (585) 263-5862

(D:474, 476, 495)

**Gordon, Kenneth W., Esq.**

Chapter 7 Trustee

Gordon & Schaal, LLP

100 Meridian Centre Blvd., Suite 120  
Rochester, New York 14618  
tel. (585) 244-1070; fax (585) 244-1085  
(trustee for liquidating Premier)

- a) re his 3,383 cases (C:641 &  
ToEC:26>641>Comment; ToEC:91)
- b) letters (A:1, 2, 8, 19, 37, 83§F, 88§C)

**Reiber, George M., Esq.**  
Chapter 13 Trustee  
South Winton Court  
3136 S. Winton Road, Suite 206  
Rochester, NY 14623  
tel. (585) 427-7225; fax (585) 427-7804  
(trustee in *DeLano*)

- a) re his 3,383 cases (C:641)
- b) events on March 8, 2004 ((D:79§§ I&II,  
92§C)
- c) disregard of statutory duty to  
investigate the DeLanos  
(ToEC:111>row 1)
- d) confirmation of the DeLanos' plan  
(C:1052-1054; 1056; Add:1038)
- e) knew the DeLanos have money  
(C:1052, 1056, 1060, ToEC:45>1060>  
Comment, C:1064 &  
ToEC:46>1064>Comment)

**Weidman, James, Esq.**  
South Winton Court  
3136 S. Winton Road, Suite 206  
Rochester, NY 14623  
tel. (585) 427-7225; fax (585) 427-7804  
(attorney for Trustee Reiber)  
(D:79§§ I&II)

### **c) The judges & their staffs**

**Internet links** to all federal courts  
<http://www.uscourts.gov/courtlinks/>  
(C:852)

### **i) Bankruptcy Court, WBNY**

**Bankruptcy Court (Buffalo)**  
U.S. Bankruptcy Court, WBNY  
Olympic Towers, 300 Pearl St., Suite 250  
Buffalo, NY 14242  
tel. (716) 551-4130; fax (716)551-5103  
<http://www.nywb.uscourts.gov/>  
(Official directory at ToEC:90)

**Bankruptcy Court (Rochester)**  
U.S. Bankruptcy Court, WBNY  
1400 U.S. Courthouse  
100 State Street  
Rochester, NY 14614  
tel. (585) 613-4200; fax (585)613-4299  
<http://www.nywb.uscourts.gov/>  
(Official directory at ToEC:89)

**Ninfo, Bkr. Judge John C., II**  
United States Bankruptcy Court  
1400 United States Courthouse  
100 State Street  
Rochester, NY 14614  
tel. (585) 613-4200; fax (585)613-4299  
(Official directory at ToEC:89)  
(judge in *Premier Van Lines, Pfuntner,*  
*and DeLano*)

- a) misconduct complaint (C:1, 63; E:1-60)
- b) evidence of bias and disregard for  
rule of law (C:951, 1313; A:801; D:231;  
Pst:1269§§a-d)
- c) motions to recuse (A:674; D:355)
- d) list of hearings and decisions presided  
over or written by Judge Ninfo in  
*Pfuntner* and *DeLano*, as of May 10,  
2006 (C:1110)
- e) failure to investigate (ToEC:§VII.E  
Table 4; Add:1051§II)
- f) Judge Ninfo's decisions at  
<http://www.nywb.uscourts.gov/decisions/jcn.php> to be searched for  
patterns and inconsistencies

**Warren, Paul R.**  
 Bankruptcy Clerk  
 United States Bankruptcy Court  
 1400 United States Courthouse  
 100 State Street  
 Rochester, NY 14614  
 tel. (585) 613-4200  
 (C:1166, A:303; 334, 337, T<sub>OE</sub>A:§B.7)

**Stickle, Todd**  
 Deputy Clerk of Court  
 U.S. Bankruptcy Court, WBNY  
 1400 United States Courthouse  
 100 State Street  
 Rochester, NY 14614  
 tel. (585) 613-4223  
 (T<sub>OE</sub>A:§B.7)

**Dianetti, Mary**  
 Bankruptcy Court Reporter  
 612 South Lincoln Road  
 East Rochester, NY 14445  
 tel. (585)586-6392  
 (C:1081 & 1083; C:1155-1165, 1167;  
 see Melissa Frieday below)

**Frieday, Melissa**  
 Court Reporter Contracting Officer  
 US. Bankruptcy Court, WBNY  
 Olympic Towers, 300 Pearl St., Suite 250  
 Buffalo, NY 14242  
 tel. (716) 551-4130; fax (716)551-5103  
 (cf. C:1152; C:1153, 1166)

**ii) District Court, WDNY**

**District Court**  
 U.S. District Court, WDNY  
 2120 U.S. Courthouse  
 100 State Street  
 Rochester, NY 14614-1387  
 tel. (585)613-4000  
<http://www.nywd.uscourts.gov/>

District judges' decisions at  
<http://www.nywd.uscourts.gov/decision/decision.php> to be searched  
 for patterns and inconsistencies

**Larimer, District Judge David G.**  
 United States District Court  
 2120 U.S. Courthouse  
 100 State Street  
 Rochester, NY 14614-1387  
 tel. (585) 263-6263  
 (judge in appeals from *Pfuntner* and  
*DeLano*)

- a) list of orders (C:1278)
- b) in *Pfuntner* (A:1654§B)
- c) efforts in DeLano to keep transcript  
 from Dr. Cordero (C:1108 &  
 T<sub>OE</sub>C:>C:1108>Comment; C:1170,  
 1183, 1303§B, 1313, I)
- d) disregard for statutory duty to  
 investigate bkr fraud (T<sub>OE</sub>C:111 Table  
 4; T<sub>OE</sub>C:>C:1108>Comment)
- e) refusal to post digital record on  
 PACER (C:1307¶¶46-49 & Pst:1214)

**Rand, Paula**  
 Courtroom Deputy for Judge Larimer  
 United States District Court  
 2120 U.S. Courthouse  
 100 State Street  
 Rochester, NY 14614-1387  
 tel. (585)613-4040, (585) 263-6263

**Early, Rodney C.**  
 Clerk of Court  
 United States District Court  
 2120 U.S. Courthouse  
 100 State Street  
 Rochester, NY 14614-1387  
 tel. (585) 263-6263  
 (A:469, 457, 461, 462, 1370§D)

**Ghysel**, Margaret (Peggy)  
Appeals Clerk  
United States District Court  
2120 U.S. Courthouse  
100 State Street  
Rochester, NY 14614-1387  
tel. (585) 263-6263  
(A:467a, 456, 460, 462, 1370§D)

#### **d) Lawyers and law firms**

**Beyma**, Michael J., Esq.  
Underberg & Kessler, LLP  
1800 Chase Square  
Rochester, NY 14604  
tel. (585)-258-2890  
(attorney for M&T and David DeLano  
in *Pfuntner*)  
(Add:531; Pst:1289§f)  
law firm's tel. (585) 258-2800; fax (585)  
258-282  
<http://www.underberg-kessler.com/>

**Essler**, Karl S., Esq.  
Fix Spindelman Brovitz & Goldman, P.C.  
295 Woodcliff Drive, Suite 200  
Fairport, NY 14450  
tel. (585) 641-8000; fax (585) 641-8080  
<http://fixspin.com/fsbg.html>  
(attorney for David Dworkin and  
Jefferson Henrietta Associates)  
(A:725, 727)

**MacKnight**, David, Esq.  
Lacy, Katzen, Ryan & Mittleman, LLP  
130 East Main Street  
Rochester, New York 14604-1686  
tel. (585) 454-5650; fax (585) 454-6525  
<http://www.lacykatzen.com/>  
(attorney for James Pfuntner)  
(Add:531; A:495-505, 510)

**Stilwell**, Raymond C., Esq.  
Adair, Kaul, Murphy, Axelrod & Santoro,  
LLP  
The Law Center at Williamsville  
17 Beresford Court  
Williamsville, NY 14221  
tel. (716) 565-2000  
300 Linden Oaks, Suite 220  
Rochester, NY 14625  
tel. (585)248-3800; fax (585)248-4961  
(Attorney for Premier & David  
Palmer)  
(A: 353-5, 341, 565)

**Werner**, Christopher K., Esq.  
Boylan, Brown, Code  
Vigdor & Wilson, LLP  
2400 Chase Square  
Rochester, NY 14604  
tel. (585) 232-5300; fax (585) 232-3528  
<http://www.boylanbrown.com/>  
(DeLanos' attorney in their  
bankruptcy case *In re DeLano*)

- a) motion to disallow Dr. Cordero's  
claim (D:218, 249)
- b) refusal to produce documents (D:287,  
313; 320§II, 325, 327)
- c) violation of FRBkrP 9011(b) (D:259;  
Pst:1288§§e-f)
- d) knew the DeLanos have money  
(C:1059, 1060 & T<sub>o</sub>E<sub>C</sub>:45>1060>  
Comment, >1064>Comment)
- e) out of his 575 cases, 525 before Judge  
Ninfo (T<sub>o</sub>E<sub>C</sub>:91¶3)

#### **e) Bankruptcy professionals**

**Bonadio & Co.** LLP  
Accountants  
Corporate Crossings  
171 Sully's Trail Suite 201

Pittsford, NY 14534-4557  
 tel. (585)381-1000; fax (585)381-3131  
<http://www.bonadio.com/>  
 (accounting firm in *Premier*)  
 (T<sub>OE</sub>A:153§7; A:431, 967)

**Reynolds, John**, Auctioneer  
 tel. (315)331-8815  
 (Tr.97/13-20, 98/13-20, 102/2-19,  
 110/2-8, 110/23-111/4, 113/2-10,  
 115/4-17, 119/4-14, 121/9-17)

**Teitsworth, Roy**  
 Auctioneer  
 6502 Barber Hill Road  
 Geneseo, NY 14454  
 tel. (585)243-1563; fax (585)3311  
<http://www.teitsworth.com/>  
 (hired by Trustee Gordon in *Premier*)  
 (A:431, 576/97, 967, 986; T<sub>OE</sub>A:153§7)

**f) Warehouseers**

**Pfuntner, James**  
 2140 Sackett Road  
 Avon, NY 14414  
 tel. in NY (585)738-3105; (585)226-2122;  
 (585)226-8303; in Florida (954)321-6449

- a. Owner of the warehouse in Avon and Plaintiff in *Pfuntner*  
 (A:18a, 21, 22, 56, 492, 510)
- b. Western Empire Truck Sale, owner  
 2926 West Main Street  
 Caledonia, NY 14423  
 tel. (585)538-2200; fax (585) 538-9858
- c. Western Empire Storage, owner  
 Caledonia, NY 14423  
 tel. (585)538-6100

**Carter, Christopher**, Owner  
 Champion Moving & Storage  
 795 Beahan Road  
 Rochester, NY 14624

tel. (585) 235-3500; fax (585) 235-2105  
 cellular (585) 820-4645  
 (A:353-9/14; 109fn.8)

**Ormand, John**  
 tel. (585)226-8303  
 (Manager of James Pfuntner's  
 warehouse in Avon, NY)  
 (A:500¶2 et seq.; 503; 520¶49 et seq.)

**Chris**, John Ormand's son)  
 (A:500¶2 et seq.; 503; 520¶49 et seq.)

**Dworkin, David**  
 Manager  
 Jefferson-Henrietta Warehouse  
 415 Park Avenue  
 Rochester, NY  
 tel. (585) 244-3575; fax 716-647-3555  
 (3rd party defendant in *Pfuntner*  
 (A:79, 88; 353-1/2&4)  
 (manager of Simply Storage  
 tel. (585) 442-8820;  
 officer of LLD Enterprises  
 tel. (585) 244-3575; fax (716)647-3555)

**Jefferson Henrietta Associates**  
 415 Park Avenue  
 Rochester, NY 14607  
 tel. (585) 244-3575; fax. (585) 473-3555  
 (3rd party defendant in *Pfuntner*)  
 (A:81, 88; 353-2; 108fn.5-8)

**g) Financial Institutions**

Creditors, financial institutions, and others  
 (C:583, 1354, 1464, 1481, 1488; D:324)

**M&T Bank** (Manufacturers & Traders  
 Trust Bank)  
 255 East Avenue  
 Rochester, NY 14604



tel. (585) 258-8475, (800) 724-2440, 8472  
<http://mtbna.com/>  
(defendant and cross-defendant in  
*Pfuntner* & employer of David DeLano)  
(A:83, 87§III.A)

**Pusateri, Vince**  
Vice President  
Manufacturers & Traders Trust Company  
255 East Avenue  
Rochester, NY 14604  
tel. (585) 258-8472, 800-724-2440  
(David DeLano's boss)  
(A:353-10-14)

## **h) U.S. attorneys**

**Department of Justice**  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001  
main switchboard tel. (202)514-2000  
Office of the Att. Gen. tel. (202)353-1555  
<http://www.usdoj.gov>

**Attorney General** Alberto Gonzales  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001  
main switchboard tel. (202)514-2000  
Off. of the Att. Gen.'s tel. (202)353-1555  
<http://www.justice.gov/index.html>  
[http://www.justice.gov/usao/offices/usa\\_listings2.html#n](http://www.justice.gov/usao/offices/usa_listings2.html#n)

**Battle, Michael, Esq.**  
U.S. Attorney for WDNY  
U.S. Attorney's Office  
138 Delaware Center  
Buffalo, NY 14202  
tel. (716)843-5700; fax (716)551-3052  
<http://www.justice.gov/usao/nyw/>

(C:1551, 1552, 1562-1566, 1568, 1601)

**Floming, Mary Pat, Esq.**  
Assistant U.S. Attorney  
U.S. Attorney's Office for WDNY  
138 Delaware Center  
Buffalo, NY 14202  
tel. (716)843-5700, ext. 867;  
fax (716)551-3052  
(C:1560, 1561)

**Bowman, Jennie**  
Executive Assistant to the US Attorney  
U.S. Attorney's Office for WDNY  
138 Delaware Center  
Buffalo, NY 14202  
tel. (716)843-5700; fax (716)551-3051  
(C:1559)

**Tyler, Bradley E., Esq.**  
U.S. Attorney in Charge  
620 Federal Building  
100 State Street  
Rochester, NY 14614  
tel. (585)263-6760; fax (585)263-6226  
(C:1512, 1513, 1546, 1547)

**Resnik, Richard, Esq.**  
Assistant U.S. Attorney  
620 Federal Building  
100 State Street  
Rochester, NY 14614  
tel. (585)263-6760; fax (585)263-6226  
(C:1545, 1546, 1547)

**U.S. Attorney's Office for SDNY**  
One St. Andrews Plaza  
New York, NY 10007  
tel. (212)637-2200; fax (212)637-2611  
<http://www.justice.gov/usao/nys/>  
(see also Kelley, David N., Esq.)  
(C:1345, 1391-1395, 1511, 1512;

**Kelley, David N., Esq.**  
U.S. Attorney for SDNY  
One St. Andrews Plaza  
New York, NY 10007  
tel. (212)637-2200; fax (212)637-2611  
<http://www.justice.gov/usao/nys/>  
(C:1345, 1391-1395, 1511, 1512)

**Mauskopf, Roslynn, Esq.**  
U.S. Attorney for the EDNY  
147 Pierrepont Street  
Brooklyn, NY 11201  
tel. (718)254-7000; fax (718)254-6479  
<http://www.justice.gov/usao/nye/>  
(C:1346, 1347)

### **i) FBI agents**

**Federal Bureau of Investigations**  
J. Edgar Hoover Building  
935 Pennsylvania Avenue, NW  
Washington, DC 20535-0001  
tel. (202) 324-3000  
<http://www.fbi.gov/>

**Ahearn, Peter**  
Special Agent in Charge  
FBI Buffalo  
7800 One FBI Plaza  
Buffalo, NY 14202-2698  
tel. (716) 856-7800; fax (716)843-5288  
<http://buffalo.fbi.gov/>  
(C:1550)

**FBI, Rochester Office**  
Rochester Resident Agent  
300 Federal Building  
100 State Street  
Rochester NY 14614  
tel. (585)546-2220; fax (585)546-2329

**Damuro, Pasquale J.**  
Assistant Director in Charge

FBI New York  
26 Federal Plaza, 23rd. Floor  
New York, NY 10278-0004  
tel. (212)384-1000; emergency (212)384-5000]  
<http://newyork.fbi.gov/>  
(C:1331, 1348, 1391, 1396)

II. Higher courts protecting their judicial peers

### **a) Court of Appeals, 2nd Circuit (CA2)**

**Court of Appeals** for the Second Circuit  
Thurgood Marshall U.S. Courthouse  
40 Foley Square  
New York, NY 10007  
tel. (212) 857-8500  
<http://www.ca2.uscourts.gov/>

- a) table of key documents and dates of the judicial misconduct complaints (ToEC:107)
- b) lists of CA2 judges contacted either as members of the Court or of the Judicial Council, and titles of documents sent (C:141, 653, 783, 887, 997, 1000, 1026; see also Judicial Council, 2<sup>nd</sup> Circuit below)
- c) CA2's invitation to comment on J. Ninfo's reappointment (C:981)
  - 1) comments (C:982, 1001, 1027)
  - 2) letters to judges (C:995 & 997; 1000 & 999; 1025 & 1026)

### **i) CA2 Judges**

- Walker, Chief Judge John M., Jr.**
- a) complaint v. J. Ninfo (C:1; E:1, C:63, 105; cf. C:145)
  - b) complaint v. CJ Walker (C:271, 632)

- c) complaint v. staff (C:441, 465 & 442; C:514 & 540; cf. C:657)
- d) appeal *In re Premier Van et al.* (C:119 & T<sub>o</sub>E:C:10>119>Comment; cf. C:169)
  - i) motion re J. Ninfo's bias (C:108)
- e) petition for rehearing (C:122, 394 & T<sub>o</sub>E:C:18>394>Comment, C:403)
- f) motions & orders re CJ Walker's recusal (C:303, 337, 359 & 360; C:361 & 389; C:393 & T<sub>o</sub>E:C:17>393>Comment)
- g) unavailability of CA2 misconduct orders (530, 533; T<sub>o</sub>E:C:22>536>Comment)
- h) order to issue mandate (C:421)

**Jacobs**, CA2 Judge Dennis  
(next eligible chief judge)

- a) complaint v. J. Ninfo (C:111, 145)
- b) complaint v. CJ Walker (C:271 & 279, 391 & T<sub>o</sub>E:C:17>391>Comment)
- c) complaint v. staff (C:316; cf. 656)
- d) abrogation of WDNY rules (C:1285, 1317)
- e) request to refer to U.S. Att. Gen. re bkr fraud scheme (C:1285, 1317 & T<sub>o</sub>E:C:57>1317>Comment ; cf. T<sub>o</sub>E:C:18>405>Comment; C:1317)

**Cabranes**, Judge Jose A.

**Calabresi**, Judge Guido

**Hall**, Judge Peter W.

**Jacobs**, Judge Dennis (see above)

**Katzmann**, J. Robert A. &

**Oakes**, Judge James L.

- a) appeal *In re Premier Van et al.* (C:119 & T<sub>o</sub>E:C:10>119>Comment; cf. C:169)
- b) petition for rehearing (C:122, 394 & T<sub>o</sub>E:C:18>394>Comment, C:403)
- c) motion re J. Ninfo's bias (C:108)

- d) motions & orders re CJ Walker's recusal (C:303, 337 & 360; C:361 & 389; C:393 & T<sub>o</sub>E:C:17>393>Comment)
- e) motion to refer to U.S. Att. Gen. re bkr fraud scheme (C:404; T<sub>o</sub>E:C:18>405>Comment)
- f) motion to stay mandate (C:395, 420, 421)
- g) motion to refer to U.S. Att. Gen. re bkr fraud scheme (C:404 & T<sub>o</sub>E:C:18>405>Comment)
- h) complaint v. staff (C:441, 442, 514 & 540)

**Oakes**, Judge James L.

- a) (see J. Katzmann above; C:359)
- b) J. Ninfo's reappointment (C:995)

**Parker**, Judge Barrington D. (C:1000)

**Pooler**, Judge Rosemary S. (C:652)

**Raggi**, Judge Reena (C:1025)

**Sack**, Judge Robert D. (C:319, 320)

**Sotomayor**, Judge Sonia

**Straub**, Judge Chester J. (C:658)

**Walker**, Chief Judge John M., Jr. (see above)

**Wesley**, Judge Richard C. (C:359)

**Winter**, Judge Ralph K. (see also Judicial Conference Committee to Review Circuit Council Conduct and Disability Orders)

**ii) Staff of CA2**

**MacKechnie**, Roseann

Clerk of Court

Court of Appeals for the Second Circuit

40 Foley Square, Room 1802

New York, NY 10007

tel. (212) 857-8500

- a) complaint v. J. Ninfo (C:1; E:1; C:63)
  - 1) re letter to judges re complaint v. J. Ninfo (C:142;

ToEC:11>142>Comment

- b) complaint v. CJ Walker (325; ToEC:16>C:325>Comment
  - 1) re letter to judges re complaint v. CJ Walker (C: 320)
- c) complaint v. staff (C:465 & 442, 491; ToEC:20>491>Comment; C:492, 510; cf. C:514)
- d) petition for review re J. Ninfo (C:654, 656)
- e) (see also Allen, Patricia)

**Allen, Patricia Chin-**  
Deputy Clerk  
Court of Appeals for the Second Circuit  
40 Foley Square, Room 1802  
New York, NY 10007  
tel. (212)857-8702

- a) complaint v. Judge Ninfo (C:62, 71 & ToEC:8>71>Comment; C:73, 107, 109, 144)
- b) complaint v. CJ Walker (C:315; cf. 316; C:326, 390)
- c) complaint v. staff (C:465 & 442, 510)
- d) petition for review re J. Ninfo (C:651, 657, 658, 671)
- e) petition for review re CJ Walker and denial (C:716; 777-779; 780)

**Galindo, Fernando**  
Chief Deputy Clerk  
Court of Appeals for the Second Circuit  
40 Foley Square, Room 1802  
New York, NY 10007  
tel. (212) 857-8500

- a) complaint v. staff (C:509 & ToEC:21>509>Comment; C:537)
- b) petition for review re J. Ninfo (C:621 & ToEC:25>621>Comment & C:622)

**Carr, Lucille**  
Deputy Clerk  
Court of Appeals for the Second Circuit  
40 Foley Square  
New York, NY 10007  
tel. (212)857-8521  
(C:121)

**Rodriguez, Robert**  
Deputy Clerk  
Court of Appeals for the Second Circuit  
40 Foley Square  
New York, NY 10007  
tel. (212)857-8521  
(A:507, 612)

**Heller, Art (Arthur), Esq.**  
Calendar Officer  
Calendar Office  
Court of Appeals for the Second Circuit  
40 Foley Square  
New York, NY 10007  
tel. (212) 857-8532

- a) motions signed (C:360, 420, 540)
- b) letters (A:1041, 1042, 1181, 1193; D:285, 297)

**b) Judicial Council, 2nd Circuit**

**Judicial Council** of the Second Circuit  
Court of Appeals for the Second Circuit  
40 Foley Square, Room 1802  
New York, NY 10007  
tel. (212)857-8700; fax (212)857-8680

- a) official information about the Judicial Council  
<http://www.ca2.uscourts.gov/>  
(C:775)
- b) table of key documents and dates of the judicial misconduct complaints  
(ToEC:107)

- c) letters re complaint v. J. Ninfo (C:110, 112, 141)
- d) petition for review re J. Ninfo and denial (C:551 & 561; 623 & 629; 672 & ToEC:28>672>Comment)
  - 1) letters to judges or clerks (C:652 & 653; 654 & 655; 659 & 660)
  - 2) from clerks (C:656-658; 667-670; 671)
- e) table of CA2 judicial misconduct orders (C:564; cf. C:973, C:980.k; ToEC:980.k>Comment)
- f) petition for review re CJ Walker and denial (C:711, 781)
  - 1) letters (C:716, 717 & 718; 777)
- g) request to report evidence of judicial wrongdoing & bkr fraud scheme to U.S. Att. Gen (C: 782, 783, 785; cf. C:404 & ToEC:18>405>Comments; see also i) abrogatory request below)
  - 1) money driving bkr fraud scheme (C:660)
- h) comments on J. Ninfo's reappointment
  - 1) CA2 invitation to comment (C:981)
  - 2) comments (C:982, 1001, 1027)
  - 3) letters to judges (C:995 & 997; 1000 & 999; 1025 & 1026)
- i) request for abrogatory review of WDNY Local Rule inconsistent with FRCivP (C:1291)
  - 1) letters (C:1285 & 1286; 1317 & ToEC:57>1317>Comment)
  - 2) request for report to Att. Gen (see g) above)
- j) tables of names, addresses, and telephone numbers of the members of the Judicial Council
  - 1) displayed in tabular format for mail merge (C:774)

- 2) displayed as block addresses (C:112, 783)

### **i) Circuit Justice**

**Ginsburg**, Justice Ruth  
 Circuit Justice for the Second Circuit  
 The Supreme Court of the United States  
 1 First Street, N.E.  
 Washington, D.C. 20543  
 tel. (202) 479-3000

- a) circuit justice for 2<sup>nd</sup> circuit (C:149)
- b) complaint re J. Ninfo (C:110, C:653)
- c) petition for review of Judicial Council denials (C:855)

### **ii) Circuit Judges**

(see also Court of Appeals, 2<sup>nd</sup> Cir. above)

**Cabranes**, Judge Jose A. (C:141, 668, 778, 811)

**Calabresi**, Judge Guido (C:142, 670)

**Jacobs**, Judge Dennis (C:111, 656, 667)

**Pooler**, Judge Rosemary S. (C:652)

**Straub**, Judge Chester J. (C:142, 779)

**Sack**, Judge Robert D. (C:319; C:320)

**Walker**, Chief Judge John M., Jr. (C:669, 777)

Member of Judicial Council, 2<sup>nd</sup> Circuit  
 Court of Appeals for the Second Circuit  
 Thurgood Marshall U.S. Courthouse  
 40 Foley Square  
 New York, NY 10007  
 tel. (212)857-8700; fax (212)857-8680

### **iii) District Judges**

**Chatigny**, Chief Judge Robert N.  
 Member of Judicial Council, 2<sup>nd</sup> Circuit  
 U.S. District Court  
 for the District of Connecticut  
 450 Main Street

Hartford, Ct 06103  
 tel. (860) 240-3659  
 (C:139; ToEC:11>139>Comment)

**Korman**, Chief Judge Edward R.  
 Member of Judicial Council, 2nd Circuit  
 U.S. District Court, EDNY  
 225 Cadman Plaza East  
 Brooklyn, NY 11201  
 tel. (718) 330-2188  
 (C:659, 812)

**Mukasey**, Chief Judge Michael B.  
 Member of Judicial Council, 2nd Circuit  
 U.S. District Court, SDNY  
 500 Pearl Street, Rm 2240  
 New York, NY 10007  
 tel. (212) 805-0136; (212) 805-0234  
 (C:140 & ToEC:11>140>Comment)

**Scullin**, Chief Judge Frederick J., Jr.  
 Member of Judicial Council, 2nd Circuit  
 U.S. District Court, NDNY  
 James T. Foley U.S. Courthouse  
 Albany, NY 12207-2924  
 tel. (518) 257-1800 or-1661

**Arcara**, Judge Richard J.  
 Member of the Judicial Council  
 U.S. District Court, WDNY  
 Olympic Towers, Ste. 250  
 300 Pearl St.  
 Buffalo, NY 14202-2501  
 tel. (716)551-4211; fax (716)551-4850  
 (C:717)

**Sessions**, Chief Judge William, III  
 Member of Judicial Council, 2nd Circuit  
 U.S. District Court for the District of Vermont  
 P.O. Box 945  
 Burlington, VT 05402-0945  
 tel. (802) 951-6395

**Milton**, Karen Greve  
 2nd Circuit Executive  
 Court of Appeals for the Second Circuit  
 40 Foley Square  
 New York, NY 10007  
 tel. (212)857-8700; fax (212)857-8680

- a) complaint v. J. Ninfo (C:143, ToEC:12>143>Comment)
- b) complaint v. staff (C: 466 &442 & 469; 508, 511, 513; ToEC:21>513>Comment)
- c) denial of petition for review re J. Ninfo (C:672 & ToEC:672>Comment)
- d) denial of petition for review re CJ Walker (C:781 & ToEC:781>Comment; C:811)
- e) comments on J. Ninfo's reappointment (cf. C:981; C:982; 998; 1024 & ToEC:44>C:1024>comment, 1066)
- f) request for abrogatory review of WDNY Local Rule inconsistent with FRCivP (cf. C:1285 & 1286; C:1317 & ToEC:57>1317>Comment))

**c) Administrative Office of the U.S. Courts**

**Administrative Office of the U.S. Courts**  
 Office of the General Counsel  
 One Columbus Circle, NE, Suite 7-290  
 Washington, DC 20544  
 tel. (202) 502-1100; fax (202) 502-1033  
<http://www.uscourts.gov/adminoff.html>  
 (C:685, 1120)

- g) statistics on judicial misconduct complaints (C:973 & ToEC:39>980.k-x and Comment thereunder; see also Judicial Conduct and Disability Act Study Committee)
- h) complaint v. court staff (C:685)

- i) petition for review of Judicial Council's denials re J. Ninfo and CJ Walker (C:859 & ToEC:34>859>Comment; cf. C:865 & 877)
- j) court reporter's refusal to certify her transcript's reliability (C:1120 & ToEC:49>1120>Comment)

**Barr, Jeffrey, Esq.**  
Assistant General Counsel  
Administrative Office of the U.S. Courts  
Office of the General Counsel  
One Columbus Circle, NE, Suite 7-290  
Washington, DC 20544  
tel. (202) 502-1100; fax (202) 502-1033  
(C:681-684)

**Burchill, William, Esq.**  
General Counsel  
Administrative Office of the U.S. Courts  
Office of the General Counsel  
One Columbus Circle, NE, Suite 7-290  
Washington, DC 20544  
tel. (202)502-1100; fax (202)502-1033  
statistics on systematic judicial complaint dismissals (cf. C:877, 887, 890, 893, & ToEC:37>893>Comment)

**Deyling, Robert**  
Assistant General Counsel  
Office of the General Counsel  
Administrative Office of the U.S. Courts  
One Columbus Circle, NE, Suite 7-290  
Washington, DC 20544  
tel. (202) 502-1100; fax (202) 502-1033  
petition for review of Judicial Council's denials re J. Ninfo and CJ Walker (C:859 & ToEC:34>859>Comment; cf. C:865 & 877)

**Rabiej, John K.**  
Chief of the Rules Committees Support Office  
Administrative Office of the U.S. Courts  
One Columbus Circle, NE, Suite 7-290  
Washington, DC 20544  
tel. (202)502-1820  
(C:861, 862 & ToEC:35>862>Comment))

**PACER (Public Access to Court Electronic Records)**  
<http://pacer.psc.uscourts.gov/>;  
cf. <https://ecf.nywb.uscourts.gov/cgi-bin/login.pl>  
(Stat. of Facts 2 ¶¶2, 11, 19, 33b)

#### **d) Judicial Conference of the U.S.**

[Executive Committee](#)  
[Conference members](#)  
[Committee to Review Circuit Council Conduct and Disability Orders](#)

**Judicial Conference** of the United States  
Administrative Office of the U.S. Courts  
Office of the General Counsel  
One Columbus Circle, NE, Suite 7-290  
Washington, DC 20544  
tel. (202) 502-1100; fax (202) 502-1033  
<http://www.uscourts.gov/judconfindex.html>

- a) reports (C:567, 568-572)
- b) the 15 misconduct memoranda & orders
  - 1) request for – (C:681-683)
  - 2) table (C:566)
  - 3) text (C:1611)
- c) **petition for review** of Judicial Council's denials re J. Ninfo and CJ Walker (C:823, 899; ToEC:35>862>Comment)

- 1) letters to members (C:851& 822; 855; 865 & 872)
- 2) replies (see the NOTE under Conference Members below)
- d) court reporter's refusal to certify her transcript's reliability
  - 1) petition for investigation and replacement (C:1081, 1083 & [ToEC:47>1108>Comment](#), C:1115)
  - 2) letters re petition to and from members (except chairs of Executive Committee below) (C:1119; 1121, 1122, 1124)
  - 3) Administrative Office (C:1120)
  - 4) supplement to the petition (C:1127, 1151)
  - 5) letters re supplement (C:1125, 1151)
- e) Trustee Reiber and bkr fraud scheme (C:1127, 1151)
- f) how to update the table of Conference members (C:852)

### **i) Executive Committee**

**King**, Chief Judge Carolyn Dineen  
**Chair** of the Executive Committee of the  
 Judicial Conference  
 U.S. Court of Appeals for the 5th Circuit  
 515 Rusk Street, Room 11020  
 Houston, TX 77002  
 tel. (713)250-5750; fax (713)250-5050  
 600 Camp Street  
 New Orleans, LA 70130  
 tel. (504) 310-7700

- a) petition for review of Judicial Council's denials re J. Ninfo and CJ Walker (cf. C:822 & 853)
  - 1) request re Mr. Deyling's letter (C:859 & [ToEC:34>859>Comment](#); 872 & 887; 891, 896 & [ToEC:38>896>Comment](#))

- 2) Conference's jurisdiction to review petition (C:897, 971)
- b) court reporter's refusal to certify her transcript's reliability (C:1117, 1118, 1123; 1152, [ToEC:51>1152>Comment](#) & cf. [ToEC:52>1166>Comment](#) & cf. Add:1025)

**Hogan**, Chief Judge Thomas F.  
**Chair** of the Executive Committee of the  
 Judicial Conference  
 U.S. District Court for the District of Columbia  
 333 Constitution Avenue, NW  
 Washington, DC 20001  
 tel. (202) 354-3000  
 court reporter's refusal to certify her transcript's  
 reliability (C:1177, 1178, 1179;  
[ToEC:55>1271>comment](#))

### **ii) Conference Members**

NOTE: These were the members as of November 2004. (cf. C:852) The names with hyperlinks indicate that they or their staffs replied to Dr. Cordero's c.2) petition for review (C:822 & 851).

<a href="#">Rehnquist, W., SCt</a>	<a href="#">Flaum, J., 7<sup>th</sup> Cir.</a>
<a href="#">Ginsburg, R., SCt</a>	Stadtmueller, J.
<a href="#">Boudin, M., 1<sup>st</sup> Cir.</a>	<a href="#">Loken, J., 8<sup>th</sup> Cir.</a>
Laffitte, H.,	Rosenbaum, J.
<a href="#">Walker, J, Jr., 2<sup>nd</sup> Cir.</a>	<a href="#">Schroeder, M., 9<sup>th</sup> Cir.</a>
Scullin, F., Jr.	Ezra, D.
<a href="#">Scirica, A., 3<sup>rd</sup> Cir.</a>	<a href="#">Tacha, D., 10<sup>th</sup> Cir.</a>
Vanaskie, T.	Russell, D.
<a href="#">Wilkins, W., 4<sup>th</sup> Cir.</a>	<a href="#">Edmondson, J., 11<sup>th</sup> Cir.</a>
Norton, D.	Forrester, J.
<a href="#">King, C., 5<sup>th</sup> Cir.</a>	<a href="#">Ginsburg, D., CA DCC</a>
Feldman, M.	Hogan, T.
<a href="#">Boggs, D., 6<sup>th</sup> Cir.</a>	<a href="#">Mayer, H., CA FC</a>
<a href="#">Zatkoff, L.</a>	<a href="#">Restani, J., Int' Trade</a>

**Rehnquist**, Chief Justice William  
 Member of the Judicial Conference  
**Supreme Court** of the United States  
 1 First Street, N.E



Washington, D.C. 20543

tel. (202) 479-3000

- a) petition for review of Judicial Council's denials re J. Ninfo and CJ Walker (C:851, 865, 872)
- b) court reporter's refusal to certify her transcript's reliability (C:1121, 1122)

**Ginsburg**, Justice Ruth

**Circuit Justice** for the Second Circuit  
Supreme Court of the United States

1 First Street, N.E

Washington, D.C. 20543

tel. (202) 479-3000

(C:855 & 857)

**Boudin**, Chief Judge Michael

Member of the Judicial Conference

U.S. Court of Appeals, **First** Circuit

John Joseph Moakley U.S. Courthouse

1 Courthouse Way

Boston, Massachusetts 02210

tel. (617) 748-4431; (617) 748-9057

**Laffitte**, Chief Judge Hector M.

Member of the Judicial Conference

U.S. District Court for the District of

Puerto Rico

150 Carlos Chardon Street

Clemente Ruiz-Nazario U.S. Courthouse

& Federico Degetau Federal Building

150 Carlos Chardon Street

Hato Rey, P.R. 00918

tel. (787) 772-3131

**Walker**, Chief Judge John M., Jr.

Member of the Judicial Conference

U.S. Court of Appeals, **Second** Circuit

Thurgood Marshall U.S. Courthouse

40 Foley Square, Room 1802

New York, NY 10007

tel. (212) 857-8500

**Scullin**, Chief Judge Frederick J., Jr.

Member of the Judicial Conference

U.S. District Court for the Northern

District of New York

U.S. Courthouse, 445 Broadway

Albany, NY 12207-2924

tel. (518) 257-1800

**Scirica**, Chief Judge Anthony J.

Member of the Judicial Conference

U.S. Court of Appeals, **Third** Circuit

22614 U.S. Courthouse

601 Market Street

Philadelphia, PA 19106

tel. (215) 597-2995

(C:851, 856 & ToEC:33>856>Comment)

**Vanaskie**, Chief Judge Thomas I.

Member of the Judicial Conference

U.S. District Court for the Middle District

of Pennsylvania

William J. Nealon Federal Building &

U.S. Courthouse

235 N. Washington Ave., P.O. Box 1148

Scranton, PA 18501

tel. (570) 207-5720

**Wilkins**, Chief Judge William W.

Member of the Judicial Conference

U.S. Court of Appeals, **Fourth** Circuit

Lewis F. Powell, Jr., U. S. Courthouse Annex

1100 East Main Street, Annex, Suite 501

Richmond, Virginia 23219-3517

tel. (804) 916-2700

**Norton**, Judge David C.

Member of the Judicial Conference

U.S. District Court for the District of South

Carolina

Post Office Box 835

Charleston, SC 29402

tel. (843) 579-1450

**King**, Chief Judge Carolyn Dineen  
Member of the Judicial Conference  
U.S. Court of Appeals, **Fifth** Circuit  
600 Camp Street  
New Orleans, LA 70130  
tel. (504) 310-7700  
(see Executive Committee above)

**Feldman**, Judge Martin L. C.  
Member of the Judicial Conference  
U.S. District Court for the Eastern District  
of Louisiana  
500 Poydras Street, Room C555  
New Orleans, LA 70130  
tel. (504) 589-7550

**Boggs**, Chief Judge Danny J.  
Member of the Judicial Conference  
U.S. Court of Appeals, **Sixth** Circuit  
Potter Stewart U.S. Courthouse  
100 E. Fifth Street  
Cincinnati, Ohio 45202-3988  
tel. (513) 564-7000

**Zatkoff**, Chief Judge Lawrence P.  
Member of the Judicial Conference  
U.S. District Court for the Eastern District  
of Michigan  
Theodore Levin U.S. Courthouse, Rm. 703  
231 W. Lafayette Blvd.  
Detroit, MI 48226  
tel. (313) 234-5110  
(C:851 & 889 &  
T0EC:37>889>Comment)

**Flaum**, Chief Judge Joel M.  
Member of the Judicial Conference  
U.S. Court of Appeals, **Seventh** Circuit  
Dirksen Federal Building, Room 2702  
219 S. Dearborn Street  
Chicago, IL 60604  
tel. (312) 435-5850

**Stadtmueller**, Judge J. P.  
Member of the Judicial Conference  
U.S. District Court for the Eastern District  
of Wisconsin  
United States Courthouse  
517 East Wisconsin Avenue  
Milwaukee, WI 53202  
tel. (414) 297-3372

**Loken**, Chief Judge James B.  
Member of the Judicial Conference  
U.S. Court of Appeals, **Eighth** Circuit  
Federal Court Building  
316 North Robert Street  
St. Paul, MN 55101  
tel. (651) 848-1300

**Rosenbaum**, Chief Judge James M.  
Member of the Judicial Conference  
U.S. District Court for the District of  
Minnesota,  
15E U.S. Courthouse  
300 S. 4th Street  
Minneapolis, MN 55415  
tel. (612)664-5050

**Schroeder**, Chief Judge Mary M.  
Member of the Judicial Conference  
U.S. Court of Appeals, **Ninth** Circuit  
Post Office Box 193939  
San Francisco, CA 94119-3939  
tel. (415) 556-9800

**Ezra**, Chief Judge David Alan  
Member of the Judicial Conference  
U.S. District Court for District of Hawaii  
300 Ala Moana Boulevard, Rm C338  
Honolulu, HI 96850  
tel. (808) 541-1301

**Tacha**, Chief Judge Deanell R.  
Member of the Judicial Conference  
U.S. Court of Appeals, **Tenth** Circuit

Byron White U.S. Courthouse  
1823 Stout Street  
Denver, CO 80257  
tel. (303) 844-3157

**Russell**, Judge David L.  
Member of the Judicial Conference  
U.S. District Court for the Western District  
of Oklahoma  
U.S. Courthouse, Room 3309  
200 NW 4th Street  
Oklahoma City, OK 73102  
tel. (405) 609-5000; (405) 609-5100

**Edmondson**, Chief Judge J. L.  
Member of the Judicial Conference  
U.S. Court of Appeals for the **Eleventh** Circuit  
56 Forsyth Street., N.W.  
Atlanta, GA 30303  
tel. (404) 335-6100

**Forrester**, Senior Judge J. Owen  
Member of the Judicial Conference  
U.S. District Court for the Northern  
District of Georgia  
1921 Richard B. Russell Federal Building  
and United States Courthouse  
75 Spring Street, S.W.  
Atlanta, GA 30303-3309  
tel. (404) 215-1310

**Ginsburg**, Chief Judge Douglas H.  
Member of the Judicial Conference  
U.S. Court of Appeals for the District of  
**Columbia Circuit**  
E. Barrett Prettyman U.S. Courthouse  
333 Constitution Avenue, N.W.  
Washington, D.C. 20001  
tel. (202) 216-7280; (202) 216-7190  
a) petition for review of Judicial Council's  
denials re J. Ninfo and CJ Walker  
(C:876, cf. & TOEC:34>858>Comment)  
b) court reporter's refusal to certify her

transcript's reliability (C:1119, 1124)

**Hogan**, Chief Judge Thomas F.  
Member of the Judicial Conference  
U.S. District Court for the District of  
Columbia  
333 Constitution Avenue, NW  
Washington, DC 20001  
tel. (202) 354-3420  
(see Executive Committee above)

**Mayer**, Chief Judge Haldane Robert  
Member of the Judicial Conference  
U.S. Court Appeals, **Federal** Circuit  
717 Madison Place, N.W  
Washington, D.C. 20439  
tel. (202) 312- 5527  
(C:865)

**Restani**, Chief Judge Jane A.  
Member of the Judicial Conference  
U.S. Court of **International Trade**  
One Federal Plaza  
New York, NY 10278-0001  
tel. (212) 264-2018

a) petition for review of Judicial Council's  
denials re J. Ninfo and CJ Walker  
(C:858 & TOEC:34>858>Comment;  
C:875 & TOEC:35>875>Comment)

### **iii) Committee to Review Circuit Council Conduct and Disability Orders**

**Committee to Review** Circuit Council  
Conduct and Disability Order  
Administrative Office of the U.S. Courts  
Office of the General Counsel  
One Columbus Circle, NE, Suite 7-290  
Washington, DC 20544  
tel. (202) 502-1100; fax (202) 502-1033  
a) reports to the Judicial Conference

(C:569-572; cf. C:973 & T<sub>o</sub>E C:980.k and Comment thereunder; C:1374, 1376-1379)

- 1) table of all 15 memoranda & orders (C:566, 1373)
- 2) text (C:1611)

**Winter**, Judge Ralph K., Jr.

Chairman

Committee to Review Circuit Council

Conduct and Disability Orders

Thurgood Marshall U.S. Courthouse

40 Foley Square

New York, NY 10007

tel. (212)857-8700; fax (212)857-8680

(C:877; cf. C:890, C:893 & T<sub>o</sub>E C:37>893>Comment; 935, 936, 968; cf. C:967)

- a) request to forward petition for review to Conference (C:877; cf. 890; & C:893)
  - 1) statement of facts (881)
- b) request to submit to whole Committee (C:935, 936, 967, 968, 972)

**Bowman**, Judge Pasco M.

Member of the Committee to Review Cir.

Council Conduct and Disability Orders

U.S. Court of Appeals for the 8th Circuit

111 South 10th Street

St. Louis, MO 63102

tel. (816) 512-5800

(C:967-968; cf. 574)

**Dimmick**, Judge Carolyn R.

Member of the Committee to Review Cir.

Council Conduct and Disability Orders

U. S. District Court for the Western

District of Washington

700 Stewart Street

Seattle, WA 98101

tel. (206) 370-8400

(cf. C:967-968)

**Sanders**, Judge Barefoot

Member of the Committee to Review Cir.

Council Conduct and Disability Orders

U. S. District Court, Northern District of Texas

1100 Commerce Street, Room 1504

Dallas, Texas 75242-1003

tel. (214) 753-2375; fax: (214) 753-2382

(cf. C:967-968)

**Sloviter**, Judge Dolores K.

Member of the Committee to Review Cir.

Council Conduct and Disability Orders

U. S. Court of Appeals for the 3rd Circuit

18614 U.S. Courthouse

601 Market Street

Philadelphia, PA 19106

tel. (215) 597-1588

(cf. C:967-968; C:972 &

T<sub>o</sub>E C:39>972>Comment)

**Winter**, Judge Ralph K., Jr. (see above)

## **e) Supreme Court of the U.S.**

**Supreme Court** of the United States

1 First Street, N.E.

Washington, D.C. 20543

tel. (202)479-3211

year-end reports (C:573 &

T<sub>o</sub>E C:24>573>Comment; C:980.k &

T<sub>o</sub>E C:40>980.x>Comment)

**Rehnquist**, Chief Justice William

Supreme Court of the United States

1 First Street, N.E.

Washington, D.C. 20543

tel. (202)479-3000

(see Judicial Conference)

**Ginsburg**, Justice Ruth

Circuit Justice for the 2<sup>nd</sup> Circuit

Supreme Court of the United States

1 First Street, N.E.  
Washington, D.C. 20543  
tel. (202)479-3000  
re misconduct complaints (C:110; 855,  
857)

**Breyer, Justice Stephen**  
(see Judicial Conduct and Disability Act  
Study Committee)

**Suter, William K.**  
Clerk of the Supreme Court of the U.S.  
Office of the Clerk  
Washington, D.C. 20543-0001  
tel. (202)479-3023  
(C:857, 1121)

**Blalock, M.**  
Office of the Clerk of the Supreme Court  
of the U.S.  
Washington, D.C. 20543-0001  
tel. (202)479-3023  
(C:857, 1121)

**Arbur, Cathy**  
Public Information Officer  
Public Information Office  
Supreme Court of the United States  
1 First Street, N.E.  
Washington, D.C. 20543  
tel. (202)479-3050. (202)479-3000  
(C:573, 980.k;  
T<sub>O</sub>E<sub>C</sub>:>C:980.x>Comment; A:1601)

**Turner, Ed**  
Deputy Public Information Officer  
Public Information Office  
Supreme Court of the United States  
1 First Street, N.E.  
Washington, D.C. 20543  
tel. (212)479-3211

## **i) Judicial Conduct and Disability Act Study Committee**

**Breyer, Justice Stephen**  
Chairman  
Judicial Conduct and Disability  
Act Study Committee  
Supreme Court of the United States  
1 First Street, N.E.  
Washington, D.C. 20543

tel. (202) 479-3211  
[http://www.supremecourtus.gov/publicinfo/press/pr\\_04-13-04.html](http://www.supremecourtus.gov/publicinfo/press/pr_04-13-04.html)

- a) announcement of first meeting (C:574)
- b) systematic complaint dismissal (C:973,  
T<sub>O</sub>E<sub>C</sub>:980.k and Comment thereunder)
- c) no need of Study to know of complaint  
dismissal (Stat. of Facts 10¶32)

**Barker, Judge Sarah Evans**  
Member of the Judicial Conduct and  
Disability Act Study Committee  
U.S. District Court for the Southern  
District of Indiana  
46 East Ohio Street, Room 210  
Indianapolis, IN 46204  
tel. (317) 229-3600; fax (317) 229-3607  
(C:574)

**Bowman, Judge Pasco M.**  
Member of the Judicial Conduct and  
Disability Act Study Committee  
U.S. Court of Appeals for the 8th Circuit  
111 South 10th Street  
St. Louis, MO 63102  
tel. (816) 512-5800, (314) 244-2400  
(C:574; 967)

**Hornby, Judge D. Brock**  
Member of the Judicial Conduct and  
Disability Act Study Committee  
U.S. District Court for the District of

Maine  
156 Federal Street  
Portland, Maine 04101  
tel. (207)780-3280; fax (207)780-3152  
(C:574)

**Rider, Sally M.**  
Administrative Assistant to the Chief  
Justice  
Member of the Judicial Conduct and  
Disability Act Study Committee  
Supreme Court of the United States  
1 First Street, N.E  
Washington, D.C. 20543  
tel. (202)479-3211  
(C:574)

**Wilkinson, Judge J. Harvie, III**  
Member of the Judicial Conduct and  
Disability Act Study Committee  
U.S. Court of Appeals for the 4<sup>th</sup> Circuit  
255 West Main Street  
Charlottesville, VA 22902  
tel. (434)296-7063  
(C:574)

## **f) U.S. Congress, Committees on the Judiciary**

**U.S. House of Representatives**  
Committee on the Judiciary  
2138 Rayburn House Office Building  
Washington, D.C. 20515  
tel. (202) 225-3951  
<http://judiciary.house.gov/>  
[www.house.gov/judiciary](http://www.house.gov/judiciary)  
(C:1354; T<sub>o</sub>E<sub>C</sub>>C:1352>Comment)

**Sensenbrenner, Chairman F. James Jr.,**  
U.S. HR Committee on the Judiciary  
U.S. House of Representatives  
2138 Rayburn, House Office Building

Washington, DC 20515  
(cf. C:574; C:576, 1352;  
T<sub>o</sub>E<sub>C</sub>>C:1352>Comment)  
[www.house.gov/judiciary](http://www.house.gov/judiciary)  
U.S. Senate News Advisory, Contact:  
Jeff Lungren/Terry Shawn  
tel. (202)225-2492  
(C:576)

**U.S. Senate**  
Judiciary Committee  
224 Dirken Senate Office Building  
Washington, D.C. 20510  
tel. (202) 224-5225; fax: (202) 224-9102  
<http://judiciary.senate.gov/>  
(C:1354; T<sub>o</sub>E<sub>C</sub>>C:1352>Comment)

**Hatch, Chairman Orrin G.**  
U.S. Senate, Judiciary Committee  
224 Dirksen Senate Office Building  
Washington, DC 20510  
tel. (202) 224-5251; fax: (202) 224-6331  
(C:1353; T<sub>o</sub>E<sub>C</sub>>C:1352>Comment)

(from TOEC:89) **VII.A. 2. Official Directory of the Bankruptcy Court in Rochester and Buffalo, NY**

**Rochester - Judge John C. Ninfo II - Chambers Staff**

Andrea Siderakis	Judicial Assistant	(585) 613-4200
Megan Dorr	Law Clerk	(585) 613-4200

**Administrative Section**

Paul R. Warren	Clerk of Court	(585) 613-4200
Todd M. Stickle	Deputy-in-Charge	(585) 613-4223

**Operations Section**

			<b>Chapter 7 + 13</b>
			BK Case # Range
Torry Hirsch	Supervisor	(585) 613-4200	91-96
Jane Murphy	Data Quality Analyst/Trainer	(585) 613-4200	97-99
Tina Folwell	Case Manager	(585) 613-4200	00-10
Lisa Lawson	Case Manager/Trainer	(585) 613-4200	11-21
Ginny Wheeler	Case Manager	(585) 613-4200	22-32
Amy Andrews	Case Manager	(585) 613-4200	33-43
Carm Capogreco	Case Manager	(585) 613-4200	44-54
Annette Lampley	Case Manager	(585) 613-4200	55-65
Judy Middleton	Case Manager	(585) 613-4200	66-76
Paula Finucane	Case Manager	(585) 613-4200	77-83 + odd numbered A.P. cases
Karen Tacy	Case Manager	(585) 613-4200	84-90 + even numbered A.P. cases
Lorraine Parkhurst	Courtroom/Calendar Deputy	(585) 613-4200	

**NOTE:** Chapter 11 case assignments are rotated among Tina, Lisa, Ginny, Amy, Carm, Annette and Judy.

**Intake/Financial Section**

Michele Telesca	Intake Clerk	(585) 613-4200
Maggie Clifford	Intake Clerk	(585) 613-4200

# United States District Court Western District of New York

## Notice

Effective immediately the telephone numbers for the Rochester division of the United States District Court judicial officers and staff have changed. Please update your directories with these new numbers:

### U.S. District Judge David G. Larimer

Main Number ..... (585) 613-4040  
FAX Number ..... (585) 613-4045  
Paula Rand, Courtroom Deputy ..... (585) 613-4044  
David Chapus, Law Clerk ..... (585) 613-4042  
Kathryn Lee, Law Clerk ..... (585) 613-4043

### U.S. District Judge Charles J. Siragusa

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### U.S. District Judge Michael A. Telesca

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### U.S. Magistrate Judge Jonathan W. Feldman

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### U.S. Magistrate Judge Marian W. Payson

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### Rodney C. Early, Clerk of Court

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